

1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

2 IN THE MATTER OF:)
 3 PROPOSED ISSUANCE OF A STATE)
 4 CONSTRUCTION PERMIT FOR THE)
 NORTH SHORE SANITARY DISTRICT,)
 ZION)

5

6 REPORT OF PROCEEDINGS taken at the hearing
 7 of the above-entitled matter, held at 3901 21st Street,
 8 Zion, Illinois, before Hearing Officer Charles Matoesian,
 9 reported by Janice H. Heinemann, CSR, RDR, CRR, a notary
 10 public within and for the County of DuPage and State of
 11 Illinois, on the 13th day of January, 2004, commencing at
 12 the hour of 7:00 p.m.

13

14 IEPA APPEARANCES:

15 MR. CHARLES MATOESIAN, IEPA Hearing Officer;

16 MR. MARK SCHOLLENBERGER, P.E, BOL, Permit
 Section;

17 MR. CHRIS ROMAINE, BOA, Manager, Utility Unit,
 18 Permit Section;

19 MR. JASON SCHNEPP, BOA, Permit Engineer;

20 MR. AL KELLER, BOW, Manager, Northern Municipal
 Unit, Permit Section;

21 MR. BRAD FROST, Community Relations.
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1 I N D E X

2 PROCEEDINGS

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1 HEARING OFFICER MATOESIAN: My name is Charles
2 Matoesian, and I'm the hearing officer tonight.
3 This is a hearing for a proposed issuance
4 of a state construction permit for the North Shore
5 Sanitary District in Zion. The North Shore Sanitary
6 District has requested a permit from the Illinois EPA

7 sludge processing facility to be located at 9th Street and
8 Green Bay Road in Zion. The sludge processing facility
9 will include a sludge receiving and storage area, drying
10 process, and a melting process. The project will not be a
11 major source of air emissions pursuant to the Federal
12 Prevention of Significant Deterioration rules or the Major
13 Stationary Sources Construction and Modification rules
14 found at
15 35 Illinois Administrative Code Section 203.

16 The Illinois EPA is accepting comments on
17 this proposed permit. This hearing will be held by the
18 Bureau of Air under the 166(a) rules, that's at
19 35 Illinois Administrative Code 166(a). The purpose of
20 this hearing is to receive comments and data and to answer
21 questions from the public prior to making the final
22 decision concerning this permit.

23 Lengthy comments and questions should be
24 submitted to the Illinois EPA in writing. Written

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1 comments must be postmarked by midnight February 12, 2004.
2 Comments need not be notarized and should be sent to
3 myself, the Illinois EPA Hearing Officer, 1021 North Grand
4 Avenue East, P.O. Box 19276, Springfield, Illinois,
5 62794-9276.

6 I would note this is purely an air permit
7 hearing. It is not concerning land or water issues. We
8 do have representatives from the water and land bureau
9 available for questions, however this only concerns the
10 air permit.

11 The speaker tonight will be Mr. Jason
12 Schnepf. And before I start, on behalf of Renee Cipriano,
13 the Director of the Illinois Environmental Protection
14 Agency, the Bureau of Air, and myself, I thank you all for
15 coming.

16 And now Mr. Schnepf will make his
17 presentation.

18 MR. SCHNEPP: Good evening, ladies and
19 gentlemen. My name is Jason Schnepf, and I'm a permit
20 engineer in the Bureau of Air. I will be giving you a
21 brief description of the project. The North Shore
22 Sanitary District has requested a permit for the
23 construction of sludge drying and processing equipment
24 that would be located at the District's existing facility

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1 in Zion, Illinois. The new equipment would be used to dry
2 wet sludge from the District's existing Waukegan, Highland
3 Park, and Gurnee wastewater and treatment plants for
4 off-site disposal, or to further process dried sludge in a
5 melter to make a glass aggregate, which could be used in
6 construction.

7 The wet sludge would be received by truck
8 in an enclosed building for storage until processing.
9 Both the sludge receiving room and the sludge storage
10 silos would be vented to an odor control system, which
11 would consist of two packed tower scrubbers in series.

12 The sludge dryer would be designed to yield
13 a dried granulate of approximately 5 percent moisture.
14 The dryer would be heated indirectly by circulating hot

15 oil through pipes in the dryer. The dryer exhaust would
16 be routed through a condenser and then into the dry
17 granulate silo, which would also be vented through the
18 odor control scrubbers, to control both organic material
19 and particulate matter emissions.

20 in the melter, the combustible fraction of
21 the dry granulate would burn while the mineral portion
22 would form a molten glass. Oxygen would be supplied to
23 the melter to support high-temperature combustion. The
24 melter exhaust would first pass through a heat exchanger

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1 to heat the oil used for heating the dryer. The exhaust
2 would then pass through an initial filter and scrubber.
3 The exhaust flow would then be split with most of the flow
4 returned to the melter. The remainder of the exhaust
5 would be vented through a final particulate filter and
6 fixed bed activated carbon filter. The activated carbon
7 would collect mercury in the exhaust.

8 The melter would be subject to National
9 Emission Standards for Hazardous Air Pollutants for
10 mercury for sludge incinerators and New Source Performance
11 Standards for sludge incinerators at sewage treatment
12 plants. The melter would also be subject to Illinois'
13 requirements for incinerators. The requirements of these
14 rules are identified in the draft permit.

15 A natural gas-fired auxiliary heater would
16 also be used for the startup of the dryer and backup if
17 the melter was not in operation.

18 The Illinois EPA has reviewed materials

19 submitted by the North Shore Sanitary District and has
20 determined that the application complies with applicable
21 state and federal standards. The conditions of the
22 proposed permit contain limitations and requirements on
23 the activities of the facility. The permit would also
24 establish appropriate testing, monitoring, recordkeeping,

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1 and reporting requirements.

2 In closing, the Illinois EPA is proposing
3 to grant a construction permit. We welcome any comments
4 or questions from the public on our proposed action.
5 Thank you.

6 All right. At this point I will open the
7 floor to public speakers, going in order of the cards that
8 were filled out. When I call your name, please approach
9 the podium and state and spell your name for the record.
10 Please try to speak clearly and remember to keep comments
11 relevant to the proposed issuance of the construction
12 permit for the sludge processing facility.

13 There are a fair number of speakers tonight
14 so at the beginning we will try to keep everyone to about
15 five minutes, and then once everyone has gotten around to
16 comments you can approach for a second round if you would
17 like additional time.

18 Okay. At this point we will start with
19 Mr. John Jones.

20 MR. JONES: Thank you for hearing me. There are
21 a lot of people in the audience that know me, and I want
22 it very clearly understood that I am here as a resident of

23 Zion speaking for myself and my family. We have lived in
24 Zion for -- since 1975. We have lived here since 1975,

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1 although my wife is a lifelong Zion resident.

2 We are familiar with the landfilling that
3 has happened over the past 30 years or so. And quite
4 frankly, with the technology today, I can't understand why
5 we would any longer consider landfill with sludge. Our
6 technology is far superior to that, and that's about all
7 that I have to say. Thank you.

8 HEARING OFFICER MATOESIAN: Thank you,
9 Mr. Jones.

10 The next speaker I have, this is Mrs. Susan
11 Zingle.

12 MS. ZINGLE: Okay. Good evening. My name is
13 Susan Zingle. I'm with the Lake County Conservation
14 Alliance. I guess normally these hearings start with a
15 presentation by the applicant, and we kind of skipped that
16 step this evening. I saw Brian here earlier. Is there
17 someone here from Minergy?

18 Then I ask my first question addressed to
19 Brian Jensen. How many hours a day and how many days a
20 week do you plan to operate this plant?

21 HEARING OFFICER MATOESIAN: Actually, if you
22 could address to us and then --

23 MS. ZINGLE: Okay. How many hours a day and how
24 many days a week will the plant operate?

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1 MR. SCHNEPP: It's permitted to run 7 days a
2 week, 24 hours a day, 52 weeks a year.

3 MS. ZINGLE: So we are assuming then that that's
4 the maximum potential to emit that this plant has?

5 MR. SCHNEPP: Yes.

6 MS. ZINGLE: Well, I took a look at this web
7 site for the Northeastern Illinois Planning Commission and
8 I looked at the population figures for the communities
9 that are served by the North Shore Sanitary District.
10 This, it's my understanding from reading some of the
11 background material, is planned for 187 wet tons of sludge
12 a day, which represent their maximum from 1999. Is that
13 still correct?

14 MR. SCHNEPP: I believe the figure in the
15 application was 200.

16 MS. ZINGLE: It's 200?

17 MR. SCHNEPP: Tons.

18 MS. ZINGLE: Well, then we still have a little
19 bit of a problem. Looking at these population figures
20 between now and the year 2030, there will be a
21 16 percent -- actually close to a 17 percent increase in
22 population growth. That takes -- I started at 187 tons
23 is what they had for 1999, you multiply that times
24 16 percent increase, and you come up with 217 tons a day

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1 of sludge, which means that this is, in essence, a sham
2 permit. They are going to have to go back and add a
3 second line or add additional processing capacity to be

4 able to accommodate the growth in their market.

5 That does not take into consideration some
6 of the industrial applications. Right now this plant has
7 a line coming from the Grayslake/Gurnee area that's
8 actually collected by Lake County but then processed by
9 North Shore Sanitary District in Gurnee. Within
10 Grayslake, there is a plan for several hundred acres of
11 industrial development called the Central Range. And
12 these population figures are residential population
13 figures, they do not take into consideration that kind of
14 industrial growth.

15 They estimate right now they are using
16 28,000 pollution equivalents a day, and that will go to
17 58,000 when the Central Range is completed. So I would
18 like to know how this can remain a minor permit when they
19 are going to have to go back and expand the capacity
20 sooner rather than later.

21 MR. ROMAINE: In terms of the permit that's
22 before us, at this point the North Shore Sanitary District
23 is only being permitted to process the amount of sludge
24 that has been described in the application. We are not in

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1 a position to address what decisions the North Shore
2 Sanitary District might make about growth in the amount of
3 sludge it generates. Otherwise, it might decide to
4 process and address that sludge disposal issue.

5 I think that's the nature of permitting in
6 general. The North Shore is not obligated as part of
7 their air permit to describe what their sludge management

8 plans are for the next 20 years. We are simply permitting
9 their current proposal to deal with current amounts of
10 sludge. If North Shore would like to supplement that,
11 they are certainly welcome to.

12 MS. ZINGLE: It just is reminiscent for me of,
13 forgive me for having a somewhat personal situation, the
14 situation we had with the Bartlett power plant where ABB
15 came before you and the IEPA and said they were only going
16 to have X number of turbines, but they went before the
17 village board and talked about Y number of turbines.

18 Here we have evidence of the same kind of
19 activity. We have a permit that is minor just by the skin
20 of its teeth and, yet, obviously not sufficient to meet
21 the needs of the district in which it is located. Unlike
22 a power plant that can elect to take a contract or not to
23 take a contract or regulate its hours, therefore genuinely
24 maintain its status, North Shore Sanitary District is

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1 obliged to take everything that comes its way. And with
2 the closing of the landfill, this is their only outlet.

3 So I think in the interest of accuracy on
4 your part, rather than have them come back in five years,
5 add another dry line or another melting line, and then be
6 eligible for PSD, why don't we plan for the future right
7 now?

8 MR. ROMAIN: I guess one simple answer is they
9 would have to come back to us anyway because we could not
10 issue a permit at this point for equipment that has not
11 been developed, and we can't permit equipment of the type

12 that's present here five years into the future.

13 MS. ZINGLE: Do we have any confirmation from
14 material that you may have seen from Minergy that confirms
15 the 200 tons a day is, in fact, the capacity of the
16 equipment?

17 MR. SCHNEPP: I don't have that information.

18 MS. ZINGLE: Do you have it at all? I mean not
19 necessarily here tonight, but do you have it at all?

20 MR. SCHNEPP: What we have in the application is
21 a statement from the North Shore Sanitary District of the
22 maximum capacity. And that's, as I stated before, 200
23 tons per day.

24 MS. ZINGLE: I would like to confirm with

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1 Minergy or with some other, whatever applicant you can,
2 that, in fact, 200 tons is the maximum this plant can
3 accommodate, not just the maximum that North Shore
4 Sanitary District is looking for. And then I would
5 suggest the communities that work with North Shore
6 Sanitary District ask their board how their sludge is
7 going to be processed in the future because this is going
8 to max out real soon.

9 MR. SCHNEPP: In response to your comment about,
10 you know, if they add a second line, just so you know, the
11 emission limits in this permit is significantly below PSD
12 thresholds.

13 MS. ZINGLE: But they are just a tad under
14 100 tons, which is the difference between having to get a
15 Title V permit or not.

16 MR. SCHNEPP: Right, but I just was responding
17 to your question about --

18 MS. ZINGLE: But they are cutting a very fine
19 line here.

20 I also note that there are no continuous
21 emission monitors required for this plant. And yet, here
22 they are coming in a hair's breadth under the total; but
23 we are going to do this all by estimates and calculations.
24 I would like to see if you can require them to have

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1 continuous emissions monitors for every emission where
2 it's conceivably possible for them to apply that
3 technology.

4 I was also curious, they talk about routing
5 the exhaust through odor control equipment. What recourse
6 do citizens have if, in fact, that equipment fails or for
7 some other -- what other, that they don't route it
8 appropriately and, in fact, their odors are noticeable in
9 the neighborhood?

10 MR. ROMAINE: If they don't route it
11 appropriately, then they have deviated from their permit;
12 and they are not operating their equipment properly, and
13 that is certainly circumstances in which enforcement would
14 be initiated. In terms of if equipment is operated but
15 odors occur, then there would be further investigation on
16 what can be done to improve the operation of that scrubber
17 to eliminate those odors.

18 MS. ZINGLE: Okay. I would just like to
19 reference the fact that in Gurnee -- There was a problem

20 at the Gurnee wastewater treatment plant with sulfur
21 odors. And according to the New Sun, "Finally the problem
22 was solved. It had taken North Shore Sanitary District
23 more than two years of staff time and cost the District
24 more than \$7.5 million to catch the problem." And it was

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1 a problem of the make-up of the sludge that was coming in,
2 that it took them two years to identify.

3 So two points to this. One is that odor
4 might very well be a problem here. And second of all,
5 they don't know what's in their sludge. So do the
6 continuous emission monitors, whatever we can do outside,
7 independent verification of what this plant is doing.
8 Thank you.

9 HEARING OFFICER MATOESIAN: Thank you,
10 Ms. Zingle.

11 The next speaker is Mr. Jim Howard.

12 MR. HOWARD: Good evening. My name is Jim
13 Howard. And I would like nothing more than to welcome you
14 guys back to Zion, but every time you show up we get
15 another polluter. So I wish we would cross Zion off your
16 map.

17 I have some quick questions. I hope I can
18 be brief. On your air modeling work in this plant, who
19 supplies you with the information? Who supplies you with
20 the information for the air modelings that you make your
21 decision on? Is that supplied by North Shore or Minergy,
22 or you're relying on the modeling yourself?

23 MR. SCHNEPP: North Shore Sanitary District
Page 13

24 supplies the modeling, the modeling to us; and we review

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16

1 the model.

2 MR. HOWARD: And you take that as gospel? Yes
3 or no would be fine.

4 MR. ROMAINE: No. But in terms of looking at
5 that modeling, we review the modeling to make sure that
6 the modeling was properly conducted following appropriate
7 USEPA procedures.

8 MR. HOWARD: Well, I know a little bit about
9 computers. And I know whatever the program may be
10 Microsoft comes out and says there is no glitches; and
11 after it gets out to the public, some clown like me gets a
12 hold of it, and they find a hole in it. And they say,
13 "How did you find that hole?" well, I didn't know I could
14 do that; but I did it.

15 So I just wonder if you make sure this
16 isn't the case here. You know, they went to Minergy,
17 Minergy does air modeling or whoever they hire, you know,
18 you can make it come out any way you want it to look.
19 That's all. I just want to know what precautions you take
20 to make sure that isn't done in this case or any other
21 case.

22 MR. ROMAINE: And the approach is we conduct our
23 own modeling if we decide it's appropriate to actually
24 audit the modeling that's been performed.

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1 MR. HOWARD: I have another question. I know
2 this is on the air permit. But the site where this plant
3 is going to be located, 9th Street and Green Bay, is on
4 the trenchfill portion of the North Shore Sanitary
5 District landfill. And I brought this up to North Shore
6 Sanitary District General Manager Brian Jensen. And he
7 told me that Prescott was not on site.

8 And I have here the exclusive right to
9 sell, and it's a Trammell Crow contract with the City of
10 Zion for Trumpet Technology Park. And just in part in
11 paragraph 5 here, and it states, "... future zoning and
12 environmental matters affecting the Property and regarding
13 the condition of the Property, including but not limited
14 to structural, mechanical and soils conditions, the
15 presence and location of asbestos, PCB transformers,
16 without limitation other toxic, hazardous or contaminated
17 substances, and underground storage tanks,..." And it
18 goes on.

19 I worked construction all my life. And I
20 know -- I laid a lot of gas main, water main, sewers.
21 And I know when you go out there and start digging, you
22 will find it. You will find it from the casket to the
23 rare antique somebody threw in there. So what precautions
24 are being taken so that when they start digging out there,

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1 and I asked NSSD President John Paxton when he was running
2 for his last election, I signed his petition. I asked
3 him, I says, "John, what's buried in the trenchfill?"

4 He said, "I don't know." Now, just like
 5 Loves Park over in New York, they had stuff buried, and
 6 they went to build a school they thought was safe.
 7 Nothing was buried there according to all the documents.
 8 And when they start digging, they dug right into it. Is
 9 there precautions being taken to make sure this doesn't
 10 happen out here? And will this plant disturb anything
 11 that's in that trenchfill?

12 MR. SCHOLLENBERGER: The location of the
 13 proposed facility is not located over the trenches there
 14 at the landfill.

15 MR. HOWARD: Not over the trenches. But that's
 16 if they know where the trenches are.

17 MR. SCHOLLENBERGER: Yes, they do.

18 MR. HOWARD: Are they absolutely sure that they
 19 know where they are until they started digging? My
 20 concern is you start digging and you disturb something,
 21 and what happens. So what, will there be testing done,
 22 core samples, whatever, before the actual construction
 23 begins?

24 MR. SCHOLLENBERGER: I mean the location of

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1 trenches were permitted by our Agency so we should know
 2 where they are at.

3 MR. HOWARD: All right.

4 I would like to leave a copy of this
 5 contract.

6 HEARING OFFICER MATOESIAN: Oh, okay.

7 MR. HOWARD: And I believe that about covers it.

8 Except they got a new name for it,
 9 Biosolids Reclamation Facility. Can somebody explain what
 10 that is?
 11 MR. SCHNEPP: Where did you get the name?
 12 MR. HOWARD: North Shore San, North Shore
 13 Sanitary District calls it North Shore Sanitary District's
 14 Biosolids Reclamation Facility.
 15 MALE VOICE: It's in their handout. They handed
 16 it out to all of them.
 17 MR. HOWARD: And I still call it a crap
 18 incinerator. Thank you.
 19 HEARING OFFICER MATOESIAN: Thank you,
 20 Mr. Howard.
 21 The next speaker is Mr. Gerald Rafson.
 22 MR. RAFSON: My name is Harold Rafson. I'm a
 23 resident of Highland Park, and I'm a chemical engineer. I
 24 have prepared a statement to the EPA, comments on the NSSD

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1 permit application. It's about five pages long. I would
 2 like to read just two pages of it at the beginning, but I
 3 will submit the entire amount in connection with this.
 4 "Since, in its prior permit application for
 5 essentially the same plant which the NSSD aimed to build
 6 in Waukegan, there were numerous omissions of disclosures
 7 of pollutant emissions, I thought I should look for
 8 omissions. I found several. They include:
 9 volatilization in the sewer and at Waukegan wastewater
 10 treatment plant. As in its prior permit request, the NSSD
 11 overlooks disclosing the contaminants (which the NSSD

12 describes as 'most' of the pollutants from the dryer)
13 discharged in water to the wastewater treatment plant.
14 Some of those volatile compounds will be released at the
15 wastewater treatment plant. There has been contention as
16 to how to estimate these emissions and I, and others, are
17 convinced then the NSSD estimation method results in a
18 gross underestimate of emissions. I urge the IEPA to
19 review whether these calculations were done using the
20 correct models and data." Essentially a difference
21 between whether these are equilibrium or dynamic
22 calculations.

23 "In the new proposal for siting in Zion,
24 there is the added consideration of emissions from this

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1 process effluent in the sewers leading to the wastewater
2 treatment plant, and a further new factor that these
3 effluents will have a pH adjustment that will increase the
4 likelihood of emissions of certain compounds normally
5 found in sewers. Further, nowhere in this application are
6 the quantities or composition of these compounds disclosed
7 to the IEPA." At least that I saw.

8 "(To be of assistance I have attached some
9 correspondence I received from the NSSD which may help
10 fill in some of these gaps.)

11 "Testimony by William Graham concerning
12 emissions. Mr. Graham was a consultant to the City of
13 Waukegan in one of its lawsuits with the North Shore
14 Sanitary. His testimony points to underestimates of
15 emission of pollutants, as well as challenging the

16 definition of this source as 'minor' and believes that it
17 should be classified as 'major.' I urge the IEPA to
18 review his testimony if it has not done so already.

19 "Results of the lawsuit in waukegan
20 indicated that siting of such a plant is required. Simply
21 stated, (I am not a lawyer), the NSSD claimed that siting
22 approvals were not required. They do that again in this
23 application. However, when this was taken to court by
24 waukegan the local court ruled that siting is required.

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1 This should be applicable to the new location as well.

2 "And additional items that I find absent:
3 composition of the volatiles in the sludge and condensate,
4 quantity of VOCs in the sludge, volatilization from the
5 sewers, impact of water withdrawn from the aquifer;
6 volatilization of water from cooling towers; and other
7 significant material.

8 "In addition, there is a repeat of certain
9 calculations and estimates that are not equal to the needs
10 of the IEPA to make a reasoned decision: The use of
11 five-year-old data on chemical contaminants which likely
12 will have changed in this period; the use of European
13 emission data, without obtaining direct data.

14 "The IEPA should review these, and other
15 issues, as they are significant for an understanding of
16 the operation process and its contribution of pollutants
17 to the environment.

18 "I should introduce myself. I'm a chemical
19 engineer with about 25 years of experience working with

20 municipal wastewater treatment plants concerning odors and
21 volatile compound emissions. I am the author and editor
22 of 'Odor and VOC Control Handbook' published by McGraw-
23 Hill in 1998."

24 I now will submit the entire document to

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1 you.

2 HEARING OFFICER MATOESIAN: Thank you,
3 Mr. Rafson.

4 The next speaker I see is Mr. John
5 Matijevich.

6 MR. MATIJEVICH: My name is John Matijevich,
7 3045 21st Place, North Chicago, 60064, a resident and
8 customer -- resident of the North Shore Sanitary District
9 for 76 years, and I think that qualifies me to be here
10 like anybody else. I wasn't going to speak tonight. I
11 did speak at the Waukegan hearing, but I wasn't going to
12 speak at this hearing. But after reading today the letter
13 to the editor authored by North Shore Sanitary District
14 President John Paxton, I'm compelled to speak out.

15 Mr. Paxton urged residents to distinguish
16 between facts supported by data and fiction supported only
17 by wild speculation. This is a very complex issue. And
18 if it appears that there is some discrepancy regarding the
19 facts, it may be because the NSSD generally and
20 Mr. Paxton specifically have often confused what is fact.

21 Before I speak about the whys and
22 wherefores of the public hearing, let me say why I believe
23 that we are really here tonight. NSSD would have you

24 believe that it is their environmental commitment that has

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1 brought them to this stage. In a summer 2003 newsletter
2 to its customers, and I have a copy with me, they wrote,
3 "NSSD soon will be out of landfill space."

4 The fact is that NSSD has not run out of
5 landfill space. It is NSSD running away from its more
6 than adequate landfill to consummate a deal. They did not
7 publicly consider or look for an alternative to the sludge
8 landfill process used for many years by NSSD until someone
9 outside of NSSD came up with the idea that the 411 acres
10 of landfill site would be a good chunk of property for
11 something else.

12 The newsletter I quoted also states, "For
13 two years, the NSSD has done extensive research around the
14 world to find a cost-cutting edge, environmentally
15 progressive and economical waste treatment system." So,
16 that search began evidently from that newsletter in the
17 summer of 2001, but what happened before that?

18 Strange as it may seem, my reliable sources
19 tell me that, like some high-level policy matters, it all
20 started earlier on a golf course, Shepherd's Crook Course
21 in Zion. One of the players was a local elected official
22 who, if you will pardon the expression, trumpeted the idea
23 that it would be nice if all of that prime land across the
24 street would be purchased and developed. Of course, NSSD,

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1 rather, the taxpayers own that property, but that didn't
2 seem to be an obstacle for the movers and shakers.

3 I kept my source of information under my
4 hat. And when I read the minutes of the March 7, 2001,
5 NSSD board hearing, it all started to unravel. General
6 Manager Brian Jensen presented a management report that
7 related to the landfill asset sale. He and the NSSD
8 attorney had a meeting with the Director of the state's
9 Department of Commerce and Community Affairs, some staff
10 from DCCA, and also in attendance were Zion Mayor Lane
11 Harrison and State Senator Adeline Geo-Karis.

12 The meeting was for the purpose of
13 receiving state funds toward the purchase of NSSD's 411
14 acres by the City of Zion. Jensen's quote at that board
15 meeting here, "It's the governor's (Governor Ryan) group
16 that is giving the funding." The state evidently didn't
17 commit any funding, and one of the trustees commented --
18 and this is a quote in the minutes of the meeting -- "that
19 he thought that everything was set on the funding, and
20 vice president" -- at that time -- "John Paxton stated
21 that Mayor Harrison told him it was all set."

22 And by the way, when I questioned
23 Mr. Paxton about that, he said "I didn't say that." And
24 then when I pulled out the minutes of the meeting, he was

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1 sort of quiet, and the next meeting, board meeting, he
2 said, "I apologize. I spoke to Lane Harrison, and he
3 didn't say that." well, take it for what it's worth.

4 I thought that at least something should be
Page 22

5 said tonight on how all of this started and that NSSD
6 caused the shortage of landfill space by the very
7 questionable land sale to the City of Zion.

8 Now, as to this public hearing, which I
9 hadn't intended to speak at all, it has been said that the
10 past is prologue. You can determine the future by
11 analyzing the past.

12 I attended the first EPA hearing on the
13 sludge facility when it was proposed to be sited in
14 waukegan. All of us can remember well when the hearing
15 officer declared that NSSD would have to amend its
16 application because it did not designate the facility as
17 an incineration process. That would have been an
18 important distinction because the incineration process
19 would therefore be classified as a pollution control
20 facility, meaning that NSSD would have to take other steps
21 in the permitting process. For one, it would require
22 local siting procedures with municipal approval and public
23 participation.

24 Somewhere along the line, but quickly, EPA

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1 backed off of the claim that it was an incineration
2 process. That was my first clue that the deck was
3 stacked.

4 By the way, Mr. Paxton would like us to get
5 the facts straight. Many of us still believe that the
6 sludge plant is an incineration process. As they say,
7 burn, baby, burn. We steadfastly hold to that. We know
8 that Mr. Paxton won't call it that, but what does he

9 really think that it is?

10 In that summer 2003 newsletter, he and NSSD
11 so assiduously avoided the term by repeatedly -- and I
12 have got that newsletter, as I said here -- 13 times,
13 calling the plant a, quote, recycling facility.
14 Evidently, they believe that if you say the same thing
15 enough times people will believe it to be true. In
16 today's letter to the editor, though, and on the hand
17 sheet they passed out today, they abandoned that term on
18 three occasions to call it a "reclamation facility." And
19 even your hearing officer didn't know that that was what
20 it's being called now. Nowhere in the EPA application do
21 I see it identified by either term.

22 My last clue on the EPA hearing relating to
23 the Waukegan site, I attended a NSSD board meeting and
24 General Manager Brian Jensen reported to the board that he

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1 had a call into the EPA office and was told that the
2 permit was approved. The only problem with that was that
3 the deadline for written statements by the public had not
4 yet passed. Was I surprised? No. The deal was cut.

5 In effect, I'm saying that I believe that
6 this public hearing is a sham, a charade. All the facts
7 why this should not be approved are the same facts as why
8 the sludge plant in Waukegan should not have been
9 approved. The lake is still there. The atmosphere is
10 still there. The dangers are still there, some of which
11 NSSD ignored given by its own consultant.

12 Finally, I don't believe that Mr. Paxton's
Page 24

13 statement that the District had decided to move to Zion to
14 avoid costly litigation can go unchallenged. At a board
15 meeting in answer to a citizen's question, and she is here
16 today, he said that NSSD spent \$1 million in litigation
17 fees and the City of Waukegan had spent 1.6 million, all
18 taxpayers' money. NSSD could have avoided every penny of
19 that in the first place.

20 And by the way, they pulled the rug after
21 spending all of that taxpayers' money just when the
22 appellate court was making its decision, they pulled the
23 rug from out under not to finally find out whether siting
24 was necessary or not. They were worried about what the

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1 decision would be because that would jeopardize this
2 process here in Zion. All that taxpayers' money wasted,
3 and that doesn't include attorneys' fees for the
4 application process and any EPA process.

5 Mr. Paxton's claim that they acted fiscally
6 responsible is an irresponsible statement. I wonder if he
7 also believes that ordering over \$10 million of equipment
8 for the sludge facility before ever gaining permit
9 approval was fiscally responsible, too. Please, enough is
10 enough.

11 They say fish rots from the head down.
12 This whole matter of what NSSD has been involved with
13 along Lake Michigan and its environment smells, whether
14 it's Calpine, whether Kinder Morgan in Waukegan, whether
15 it's the other peaker plant they were trying to build, all
16 of that alliance with the NSSD. It smells. It would make

17 sludge smell like perfume. That's how bad it is.

18 I'm sure you guys won't read it but --

19 MR. SCHOLLENBERGER: I just want to address one
20 of the comments you made. The siting issue was addressed
21 in our previous response to the first application.

22 MR. MATIJEVICH: Well, it was being addressed in
23 court, too, you know. And it was just about to make a
24 decision, and that decision would have counted much more

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1 than your response. Why did they pull the rug after
2 spending \$3 million of taxpayers' money right at the eve
3 of when a decision was going to be made? Because they
4 were worried that the decision would be against their own
5 interest, and they would have to go through that process.
6 We know even if they go through the siting here in Zion,
7 it's cut and dried. But at least there would be a public
8 participation process.

9 MR. ROMAINE: I guess I would like to ask some
10 questions of you.

11 MR. MATIJEVICH: Sure.

12 MR. ROMAINE: Why do you think that siting is
13 required?

14 MR. MATIJEVICH: Because I believe that it's an
15 incineration process in the community, the taxpayers --

16 MR. ROMAINE: Well, I guess --

17 MR. MATIJEVICH: Wait a minute. You asked me a
18 question, can I answer it?

19 MR. ROMAINE: You've answered it.

20 MR. MATIJEVICH: I --
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21 MR. ROMAIN: You said it's subject to siting
22 because it was an incinerator.

23 MR. MATIJEVICH: Yes, I did.

24 MR. ROMAIN: I thought pollution control

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1 facilities were subject to siting.

2 MR. MATIJEVICH: You are playing the semantics
3 game that they are playing with the name of the facility,
4 that's what you are doing. I was in the legislature when
5 we passed Bill 176. I know what local siting is. I know
6 what caused it because of the community uproar about
7 putting facilities that have caused problems in the
8 environment. I know that.

9 MR. ROMAIN: Very good. I guess I'm speaking
10 to everybody here, the legislature adopted a specific law
11 for siting of pollution control facilities. There is a
12 specific legislative definition of what a pollution
13 control facility is. This facility doesn't meet that
14 definition.

15 If there is a question about the
16 applicability of siting, it should be directed back to the
17 legislature. The provisions for pollution control siting
18 specifically excludes facilities that process their own
19 waste. That is the basis upon which the lack of a siting
20 determination was not applicable to Waukegan. It's the
21 same basis that a siting determination is not applicable
22 here.

23 MR. MATIJEVICH: You answer me this question:
24 why, when one of the hearing officers in that first

1 hearing in waukegan said that there should be an
2 amended application because they didn't apply for an
3 incineration -- they didn't call it an incineration
4 facility, why? why has everybody avoided that word
5 incineration?

6 MR. ROMAIN: As Mr. Schnepf has indicated, we
7 are regimenting it as incinerator. That's what we said in
8 response to the waukegan facility, or it doesn't change
9 the status. It is not a pollution control facility
10 subject to siting.

11 MR. MATIJEVICH: There was evidence at the
12 waukegan hearing that the NSSD did not even listen to
13 their own consultants when they said there could be some
14 dangers to the public safety. That's in the siting.
15 That's a siting problem. And the people of the community
16 have the right, the right to be able to control the health
17 and safety of their community. That's what local siting
18 is all about.

19 MR. ROMAIN: That isn't what local siting is
20 all about.

21 MR. MATIJEVICH: Oh, that's a lot of what it's
22 all about.

23 MR. ROMAIN: You are mixing two issues. There
24 is the issue of zoning and local siting. Zoning is

1 certainly in place to address some of the issues that have
2 been raised.

3 MR. MATIJEVICH: Listen --

4 MR. ROMAINE: And we have said nothing here to
5 suggest that this facility is not subject to local siting.

6 MR. MATIJEVICH: I heard all of it at the -- I
7 heard all of the debate in the legislature. I'm not
8 impressed by your argument.

9 MR. ROMAINE: I'm sorry.

10 MR. MATIJEVICH: And you cannot --

11 MR. ROMAINE: If people want to read the
12 Environmental Protection Act of what is required for
13 siting --

14 MR. MATIJEVICH: I would like to have read the
15 final decision of the appellate court but, unfortunately,
16 there is no final decision. It went that far. So the
17 issue isn't cut and dried.

18 MR. ROMAINE: Let's move on.

19 HEARING OFFICER MATOESIAN: Do you want to say
20 something?

21 MR. JENSEN: My name is Brian Jensen. I am the
22 general manager of North Shore Sanitary district.

23 MS. OWEN: Wait. Wait. Is he up yet?

24 HEARING OFFICER MATOESIAN: No. I think he

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1 wanted to respond.

2 MR. JENSEN: There has been a final decision
3 from the appellate court contrary to what was just said.
4 I would be happy to provide that to anybody that's

5 interested in that. So I will be happy -- I'll send it
6 off to Mr. Matijevich and anybody else who would be
7 interested. Please let me know, and I can copy it. Jim
8 will be happy to send you a copy. There, in fact, has
9 been a final decision by the appellate court. Thank you.

10 MR. MATIJEVICH: What did they decide?

11 MR. JENSEN: Exactly what we did. And that's
12 what Mr. Romaine just stated.

13 MR. MATIJEVICH: Did they decide in favor of
14 Waukegan or the Sanitary District?

15 MR. JENSEN: Sanitary District and the IEPA.
16 And the Waukegan lawyer is here this evening.

17 MR. MATIJEVICH: They what?

18 MR. JENSEN: They found in favor on that
19 specific issue, in favor of the North Shore Sanitary
20 District and the IEPA because it was not just North Shore.

21 MR. MATIJEVICH: Was there any of the decision
22 that favored Waukegan's issues in that?

23 MR. JENSEN: Are you talking about siting? No.

24 MS. OWEN: Yeah. That's not true what he is

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35

1 saying.

2 MR. JEEP: I'm the attorney with the City of
3 Waukegan. My name is Jeffrey Jeep. What the appellate
4 court said is that with respect to whether this facility
5 is a new pollution control facility the court does not
6 have the power to decide that issue --

7 MS. OWEN: That's not it.

8 MR. JEEP: -- that no one had standing to appeal

9 the EPA's decision. The EPA says this is not subject to
10 local siting, no one can challenge that decision. They
11 are the czar. They are the final say. It's not subject
12 to judicial review. They never addressed the merit of
13 whether or not this waste is generated by their own
14 activities.

15 Our position was -- well, I'm not getting
16 into that. And then they ruled that the city had zoning
17 issues. That's what the decision was.

18 MS. OWEN: Thank you.

19 MR. MATIJEVICH: So they didn't decide on that
20 issue, they say you are the gods, that didn't answer the
21 issue.

22 HEARING OFFICER MATOESIAN: Okay. If you would
23 like to say some more, we will let everyone have a chance
24 first.

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1 MR. MATIJEVICH: Futile.

2 HEARING OFFICER MATOESIAN: The next speaker
3 then is Mr. Felix Owen.

4 MR. OWEN: Good evening. Thank you for holding
5 this hearing and for the opportunity to address you. My
6 name is Felix Owen. I graduated from high school two
7 years ago, and I'm currently a student at Landmark College
8 in Vermont. I intend to get a degree in environmental
9 education.

10 I read the information on the sludge burner
11 proposal, and my question is why. Why is the North Shore
12 Sanitary District set on building this facility, and why

13 is the Illinois EPA so willing to permit such unproven
14 technology? The people of Zion and its neighbors should
15 not be guinea pigs. If this sludge dry melting and
16 burning is such a good idea, why aren't other sanitary
17 district's pursuing it?

18 As I said, I'm interested in educating
19 people on the environment; but I believe making a good
20 environmental sound choice is based on a good -- on good
21 information. There are pieces missing here.
22 What alternatives to the burning were researched? Is this
23 appropriate to allow the NSSD to use much of our precious
24 drinking water for this burner? Who is responsible if

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1 this facility fails, and then what?

2 The Illinois Constitution charges the
3 Illinois Environmental Protection Agency to act with a
4 diligence to protect the public's interest and industry's
5 resources and to protect the rights of the people to a
6 healthful environment. I urge the EPA to really
7 investigate all the consequences the construction of this
8 plant would have. This is your job. And if you don't do
9 it, who will? Thank you.

10 HEARING OFFICER MATOESIAN: Thank you, Mr. Owen.

11 The next speaker is Mr. Axel Owen.

12 MR. AXEL OWEN: Hello. I'm Axel Owen, and I'm
13 currently a senior here at Zion Benton High School. And
14 one of my favorite classes here is AP government. And the
15 question simply is what is democracy? And democracy is
16 the will of the people. And it's pretty obvious by all

17 the people here that their will is not to have this here.

18 I'm here for a couple reasons. One, I have
19 been curious about the IEPA hearing proceedings for some
20 time; and I am also interested in the broader question of
21 how can the public affect governmental decisions. I am
22 concerned about the long-term environmental and financial
23 impact the sludge burner would have on our community. I
24 am part of the next generation, the generation the

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1 Illinois EPA and the North Shore Sanitary District will
2 leave the consequences of their decision with us.

3 Sludge and sludge and fly ash or fludge, as
4 it's commonly known, have been landfilled at the NSSD
5 landfill for dozens of years. I read in the papers that
6 the landfill may no longer be a safe way to deposit the
7 sludge. Is this true? What exactly is going on at the
8 NSSD landfill? Is it leaking? What are the problems, and
9 when will it be addressed?

10 There is a huge expanded landfill across
11 the street from where the burners will be. And when it
12 was expanded, the people were told it would be safely
13 constructed and pose no threat to the environment. I
14 certainly hope that is the case. I do not think there was
15 ever a plan to build an incinerator instead. Is there
16 technology now that would prevent landfills from failing
17 in the future?

18 It seems to me that the advantages of a
19 well-constructed landfill over an incinerator would be,
20 first off, it's cheaper; second, it would not emit any

21 pollutants into the air; third, it can be reused once it
22 is closed; fourth, there is no -- If there is a problem,
23 it can be dug up and fixed.

24 I ask the Illinois EPA and the North Shore

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1 Sanitary District to please look at the landfilling
2 alternatives before any decision to make -- to construct
3 this sludge plant. Preserving the health and welfare of
4 our generation, the next generation, is your job; and our
5 job will be to do the same for ours.

6 And I ask one last question. Does anybody
7 here like golf? Anybody?

8 FEMALE VOICE: Yeah.

9 MR. AXEL OWEN: Okay. Would you like to play
10 golf when it smells like shit? Thank you.

11 HEARING OFFICER MATOESIAN: The next speaker
12 is Verena Owen.

13 MS. OWEN: Good evening. My name is Verena
14 Owen. I have a few housekeeping questions, and I think I
15 will address them to Mr. Matoesian. Who requested the
16 hearing tonight? Because I know it wasn't us.

17 MR. ROMAINE: I don't know if it was requested
18 or simply a decision that there would be enough public
19 interest that a hearing was warranted.

20 MS. OWEN: Well, I think you made the right
21 decision.

22 I asked that Mr. Kim be present tonight to
23 discuss some siting issues, he didn't make it. He either
24 chose not to come or was told not to come.

1 MR. ROMAIN: Mark, do you have any idea of
2 John's schedule this evening?
3 MR. SCHOLLENBERGER: No.
4 MR. ROMAIN: I do not know why Mr. Kim was not
5 here.
6 MS. OWEN: I requested him several times because
7 Mr. Kim was at the hearing in Waukegan. And so that
8 brings me actually to the next question. Mr. Matoesian
9 said in the beginning this is an air hearing. Is there a
10 land hearing coming forth then at a different time like we
11 had in Waukegan? Or will you allow me to make, ask
12 questions and make remarks on the land permit part of
13 this?
14 HEARING OFFICER MATOESIAN: Well, we can't -- I
15 don't know. Land -- It's their bureau. He --
16 MALE VOICE: Could you speak up a little bit,
17 sir?
18 HEARING OFFICER MATOESIAN: Yes. We are here
19 solely for air issues. Land issues aren't to be
20 addressed.
21 MS. OWEN: Why did he come then?
22 MR. ROMAIN: We are certainly open to questions
23 and comments.
24 HEARING OFFICER MATOESIAN: I mean --

1 MS. OWEN: Well, that was my question. I was
Page 35

2 going to --

3 HEARING OFFICER MATOESIAN: I mean to a certain
4 level you can ask general questions.

5 MS. OWEN: And I would say one last thing about
6 the siting. You were absolutely wrong in Waukegan. You
7 are absolutely wrong here. Mr. Schollenberger remarked
8 that this was fully addressed at the previous time. That
9 is exactly the problem. You relied on old information,
10 and you are wrong on the siting. And I am not the only
11 one I think. And I will not be the only entity who will
12 submit comment on this issue, and I would like to announce
13 that we have received the first \$400 for a legal defense
14 fund over this issue. So thank you very much to the
15 donor.

16 One last housekeeping issue, and then I
17 will get into something more interesting. I would like
18 your assurance that this time the Illinois EPA will wait
19 until at least the public comment period closes before it
20 makes any promises to the North Shore Sanitary District
21 and assures the District that the permits were
22 forthcoming. Because it's exactly what happened last
23 time. And I contacted IEPA, and I asked them to
24 investigate what happened here, that the North Shore

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1 Sanitary District knew two weeks before the permit came
2 and before public comment was closed that the permits will
3 be coming on March 11. And that's exactly when they were
4 issued. So at least try to keep up appearances here,
5 people. We know you don't listen to us, and this is a

6 done deal; but do you have to be that obvious? Because it
7 makes me angry. Shame on you. And I'm still expecting an
8 answer because I did ask IEPA to investigate this.

9 I will not make any comments on air
10 modeling after Indeck. However, I would like to make some
11 comments on any data that the North Shore Sanitary
12 District has submitted that were done by Minergy. Minergy
13 is owned by Wisconsin Electric, who owns the Calpine
14 peaker plant. Minergy also built a sludge incinerator in
15 Detroit for \$30 million, which is about the price that
16 ours will be here. This sludge incinerator has failed.

17 I have a newspaper article somewhere. And
18 it says, "Minergy Detroit, LLC, a subsidiary of a giant
19 Wisconsin-based firm won a \$30 million contract to build a
20 private incinerator that would allegedly recycle
21 wastewater sludge, replacing department workers. However,
22 Minergy recently withdrew its application to amend its
23 state environmental permit because of difficulties meeting
24 emission standards and is now seeking to subcontract to a

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1 private company that uses land application instead of
2 incineration."

3 Are we looking at the same problem here?
4 what if this fails? what if this fails and the landfill
5 is sold? will then Minergy have to do land application
6 like they did in Detroit? I called the permit writer at
7 the NDQ, very nice man. I would recommend that you call
8 him, too. His name is Randall Tellesz. And I asked him
9 what happened. And he said Minergy failed, and it

10 withdrew its application to the operating permit they had
 11 requested for the following reasons: They needed to raise
 12 the sulfur content of the coal. Yes, this was burning
 13 coal and they explained later why. But they also were
 14 using the same drying mechanism. They needed to add the
 15 polishing scrubber. They needed to raise the stack rise
 16 for the glass furnace. They needed to increase the use of
 17 the standby boiler. And there were other design changes,
 18 and they decided that it was not worth their money to do
 19 this. It folded.

20 Now, Minergy is a private company. It has
 21 to make a profit. Minergy here is in a wonderful
 22 situation that the taxpayers are paying. They don't need
 23 to make a profit. However, I do have a question; and I
 24 think it's to the land people. How important is this that

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1 this Minergy facility could produce a commercial product,
 2 and what would the consequences be if it does not?

3 MR. SCHOLLENBERGER: It's not very important at
 4 all that they produce a commercial product.

5 MS. OWEN: Because if they don't produce a
 6 commercial product, they are producing waste; right?

7 MR. SCHOLLENBERGER: Right.

8 MS. OWEN: If they produce waste in the
 9 incinerator, they need siting.

10 MR. ROMAINE: Please explain your conclusion,
 11 your basis for that statement.

12 MS. OWEN: I'm only asking you a question --
 13 Actually, I'm asking him a question. I'm asking how

14 important is it that they produce a commercial product
15 because it is prominently in their application that that's
16 what they are doing. And my question is why is it so
17 important.

18 MR. SCHOLLENBERGER: It's not.

19 MS. OWEN: It is not important.

20 I am in the enviable position to finally
21 comment on the Responsiveness Summary. I have been
22 waiting for years to do that, and I will take advantage of
23 that later. However, I would like to point a few things
24 out first.

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1 This is the Glasspack Proposal and
2 Agreements for the North Shore Sanitary District, which I
3 refer to as the sales contract. In this contract, it
4 says, NSSD and Minergy have agreed that Minergy shall
5 operate and maintain the project pursuant to the terms of
6 this agreement. Minergy will operate and maintain the
7 project, not the North Shore Sanitary District. Excuse
8 me.

9 The responsibilities of the North Shore
10 Sanitary District is to deliver wet sludge to the project,
11 and prepare, maintain, and furnish to Minergy accurate
12 records with respect thereto. That is their
13 responsibility just for the sludge, not to operate the
14 dryer, not to operator the burner, and not to deal with
15 the glass aggregate.

16 whereas NSSD has agreed to sell and convey
17 to Minergy, and Minergy has agreed to purchase from NSSD,

18 all the output of glass aggregate produced at the project,
19 as herein provided. Okay. I don't have a problem with
20 that.

21 Further down here, Minergy shall bear all
22 costs of and retain all revenues from marketing, sales,
23 and use of glass aggregate and -- this is important --
24 without any duty to account to NSSD with respect thereto.

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1 They don't have to tell them what they are doing with it.

2 Now, when I look at the land permit that
3 you issued the last time to the Waukegan site, should I
4 expect that the one for Zion would be at least similar?

5 MR. SCHOLLENBERGER: Yes, it will.

6 MS. OWEN: Thank you.

7 Under No. 13, The permittee has
8 demonstrated that the ceramic residual from the sludge
9 melter is not a solid waste when used in the following
10 manner: As bedding material or trenchfill material, it is
11 covered by sufficient uncontaminated soil to support
12 vegetation within 30 days of completing of filling the
13 covered-over structure. Actually, that made me laugh. I
14 can just picture Brian Jensen out there checking on the
15 grass to grow. But of course, they wouldn't be able to do
16 that now, would they, because North Shore Sanitary
17 District in the sales contract has agreed for Minergy not
18 to tell them what they are doing with the glass product.

19 MR. SCHOLLENBERGER: What was your question
20 again?

21 MS. OWEN: It was a really long question. Do
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22 you really want me to repeat it?

23 Okay. In your land permit, it says, The
24 permittee has demonstrated that the ceramic residual from

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1 the sludge melter is not a solid waste if used in the
2 following manner: And it lists two manners. And by the
3 way, I'm very glad it only lists two of them. They can
4 either use it as trenchfill material or as an ingredient
5 in the aggregate at the plant. All the claims we had
6 before that it would be a wonderful abrasive or roof
7 shingles, the EPA has wisely decided that this might not
8 be a good idea because you don't really want to rerelease
9 all the contaminants back into the air.

10 However, my point to you was since the
11 North Shore Sanitary District does not know and cannot ask
12 Minergy what exactly they are doing with this commercial
13 product, which might not be a commercial product, it might
14 just be driven around the corner to the next landfill, how
15 are they going to be able to do what is in this permit,
16 that they have to make sure the grass grows on it in
17 30 days? They are not the owners, not the operators of
18 this facility, Minergy is exclusively, has all the rights
19 to hire the people, to fire the people, to train the
20 people, to do with the glass what they do. All the North
21 Shore Sanitary District does is deliver the sludge. They
22 are not -- The North Shore Sanitary District is not the
23 operator of this facility, it's perfectly clear. And if
24 they are not, this will need siting.

1 How many more cards do you have? I don't
2 want to hog the time. I do have more comments, but I
3 would be more than happy to sit down for a while. Because
4 I would really like to make -- compliment IEPA on the air
5 permit, but I have a few additional remarks.

6 HEARING OFFICER MATOESIAN: We have three more
7 cards.

8 MS. OWEN: Would you like me to give the other
9 people a chance?

10 HEARING OFFICER MATOESIAN: Okay. That's fine.
11 Thank you.

12 The next speaker is Natalie Lebow.

13 MS. LEBOW: Good evening. My name is Natalie
14 Lebow. I live in Highland Park, Illinois. I am an
15 observer to the League of Women Voters. We are very, very
16 concerned about this whole project. And I am an observer
17 and I shall be attending every meeting that I can, and I
18 hope that the EPA will take a lot of things into
19 consideration before making a final judgment. Thank you.

20 HEARING OFFICER MATOESIAN: The next speaker
21 then is Evan Craig.

22 MR. CRAIG: My name is Evan Craig. I'm the
23 group chair of the local group of the Sierra Club. I live
24 in Vernon Hills.

1 And this does seem to be a repeat of the

2 hearing that we had regarding the Waukegan siting of the
3 same or roughly the same facility. And I just rose to
4 point out that I run a recycling facility. I receive
5 material, and this morning I set a small fraction of it
6 back out on the curb. And should I want to put a smoke
7 stack out my roof, I wouldn't hope that you would allow me
8 to masquerade as a recycling facility because I do that.

9 And I just am looking at, I'm looking at
10 the eyes of four individuals here and appealing to your
11 sensibilities as human beings, rational beings, to restore
12 some sanity to this process and call this spade a shovel.
13 Thank you.

14 HEARING OFFICER MATOESIAN: Thank you,
15 Mr. Craig.

16 The next speaker is Delane Rogers. Rogers,
17 is she here?

18 MS. ROGERS: I'm going to pass at this time.

19 HEARING OFFICER MATOESIAN: Oh, okay. Then Bill
20 Holleman, please.

21 MR. HOLLEMAN: My name is Bill Holleman. I'm
22 from Lake Villa, Illinois. I have a couple technical
23 questions, which will help me better understand this
24 process. I'm wondering why the enriched air -- well, let

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1 me back off. The air oxygen that is used in the
2 incinerator/melter is enriched air. Am I correct on that?

3 MR. SCHNEPP: Yes.

4 MR. HOLLEMAN: How come there is no requirement
5 in that process for the percent of oxygen that's in the

6 final product? Because if the enricher is not working
7 properly, there would be a lot of nitrogen in that, which
8 when it goes through the burning process will create
9 nitrous oxides. And therefore, I'm wondering why there
10 isn't a requirement for the purity of the oxygen that is
11 fed into the system in order to control the emissions of
12 the nitrogen oxides. Can anyone answer the question for
13 me? What is the percent oxygen that comes through a
14 system like that?

15 MR. ROMAINE: I think I can skip to the
16 conclusion. That's a good point, and I think we will
17 think about putting a requirement for there to be
18 recordkeeping for the quality of the oxygen entering into
19 the melter. I believe the information in the application
20 showed it to be using a 98 percent pure oxygen. And that
21 certainly would be relevant to achieving the NOx levels
22 that are predicted. So that's a good comment. Thank you.

23 MR. HOLLEMAN: Yes. I'm suggesting that there
24 be a control on that point because if it's not 98 percent,

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1 and it's 96 percent, that means the nitrogen concentration
2 is twice what it should be, which would double the
3 nitrogen oxide emissions, potentially could double the
4 nitrogen oxide emissions.

5 My other question relates to why, and this
6 was brought up previously, maybe I can expand on that, why
7 there are no qualifications for the final melted
8 glass/whatever that material is. All of the heavy metals
9 that will be in the sludge, the lead, the cadmium, not the

10 mercury, of course, the mercury will be in Lake Michigan,
11 but the other heavy metals will end up in that final
12 product. And it could be quite concentrated in that final
13 product. I'm wondering why there are no requirements for
14 how that final product is used dependent on its content of
15 heavy metals.

16 MR. ROMAINE: Do you want to take that, Mark?

17 MR. SCHOLLENBERGER: They provide analysis which
18 shows the heavy metals were not released from the final
19 product. They did it on both TCLP and SPLP to show that
20 the material is not going to leach above Tier I
21 groundwater standards.

22 MR. HOLLEMAN: Will all that melted product go
23 into a landfill? Is that where it's designed to go?
24 what's the final destination of that melted glass-like

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1 product? where does it end up?

2 MR. SCHOLLENBERGER: It's used as a bedding
3 material in trenchfills or implanted cement.

4 MR. ROMAINE: Or go to a landfill.

5 MR. SCHOLLENBERGER: Or going to landfill.

6 MR. ROMAINE: If it doesn't meet the
7 qualifications to be used, it has to be disposed of.

8 MR. HOLLEMAN: Does your permit elucidate what
9 those qualifications are?

10 MR. SCHOLLENBERGER: You mean as far as what
11 standards that they show that they met?

12 MR. HOLLEMAN: Of that melted glass-like
13 product.

14 MR. SCHOLLENBERGER: The permit doesn't exactly
15 spell out limitations on the product. It just said that
16 based on the demonstration that they made that they can
17 use it in those manners.

18 MR. HOLLEMAN: So the answer to the question is
19 no, there are no restrictions on the use of that final
20 product?

21 MR. SCHOLLENBERGER: No. They have to use it
22 either as bedding material or implanted cement or send it
23 to the landfill.

24 MR. HOLLEMAN: Would you anticipate that that

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1 final product could have -- be very concentrated with
2 heavy metals?

3 MR. SCHOLLENBERGER: It might have total high
4 concentration of total metals, but it's not going to leach
5 according to their analysis.

6 MR. MATIJEVICH: What if a jackhammer on a road
7 construction project, what happens then?

8 MR. SCHOLLENBERGER: It's still not going to
9 leach just because you break it up.

10 MR. MATIJEVICH: Well, you are going to break it
11 up with that jackhammer.

12 MR. HOLLEMAN: Okay. There seems to be a
13 problem here with how this final product is handled.
14 Personally, if this final product is highly concentrated
15 with heavy metals, which it will be, because heavy metals
16 don't burn, they are going to -- whatever is in that
17 sludge will end up in that glass product. I don't want

18 those products in my concrete, or I don't want those
19 products used in any manner where that heavy metal could
20 be recycled into the environment.

21 And there has to be a very stringent
22 control on the use of that product dependent -- related to
23 the heavy metal contents of that material.

24 HEARING OFFICER MATOESIAN: Thank you.

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1 MR. WALSH: I would like to speak. My name is
2 Patrick Walsh. I live at 2317 Lydia in Zion. I'm an
3 inspector for utility construction in a lot of the north
4 shore towns. I'm also a youth minister. And I wanted to
5 address a couple of different issues. One was a question
6 to the EPA. Looking through some of the paperwork that I
7 have seen and talking with some of the city officials from
8 Zion, my understanding is that a lot of the environmental
9 issues, as far as air emissions and that, that North Shore
10 Sanitary District will be held responsible for what they
11 are permitting; is that correct? In other
12 words, by the North Shore Sanitary District asking for
13 this permit and applying for this permit to the IEPA, in
14 essence, you will hold them responsible for that; is that
15 correct?

16 MR. ROMAINE: That is correct.

17 MR. WALSH: So taking that a step further, I
18 guess my angle is, I have a six-year-old son, and I also
19 work with youth ministry here in the City of Zion. We are
20 looking at three or four generations of poverty that are
21 continual. And I really believe that if we don't bring

22 some industry into this community in the next generation,
23 in the next few years, we are going to be in big trouble.
24 And I think that the North Shore Sanitary District is

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1 willing to invest their money and their resources.

2 AUDIENCE VOICES: Our money. Our money.

3 MR. WALSH: My money. \$5400 a year in taxes
4 that I pay. I think that they should be commended for
5 that, and I think that that -- If the IEPA, who I have
6 dealt with in a lot of different situations as far as
7 construction goes, has always been a governing body that
8 has stood up for what they said and has always done what
9 we have asked them to do as far as governing these
10 agencies. I'm just saying that I'm for that.

11 And I think that that's something that the
12 City of Zion needs to pursue, and I think we need to look
13 at some different sources of revenue for this city for the
14 future.

15 HEARING OFFICER MATOESIAN: Thank you,
16 Mr. Walsh.

17 The next speaker I have is Mayor Lane
18 Harrison.

19 MAYOR HARRISON: I would like to thank you for
20 conducting this hearing this evening. My name is Lane
21 Harrison. And I am the mayor of the City of Zion. And
22 speaking on behalf of the government of the City of Zion,
23 and listening to some of the issues that have been talked
24 about here, when Mr. Walsh talked about momentarily ago

1 when he talked about the money that is being spent, and he
2 referred to it as "my money" and there was a cry about
3 "our money," and yes, it is our money; but it is also all
4 of our sludge.

5 Zion has been the repository for the sludge
6 for all of the North Shore Sanitary District's customers
7 for over 35 years. And the interesting thing is that we
8 have been on the boundary of it, now Newport Township is
9 on the boundary of it, and others will be on the boundary
10 of that landfill shortly. And it's the first time that I
11 have ever heard environmentalists or people who call
12 themselves environmentalists talk about using more land to
13 landfill. That's the most interesting contradiction I
14 have ever heard.

15 We have something that appears, and the
16 statistics would bear out, and the permit that you have
17 received is going to regulate the fact that this is far
18 better technology than landfilling and eating up more and
19 more land.

20 And we talked about the smell of what is
21 going on out there as well tonight. Anybody who has gone
22 out in that area to recreate in any shape or form knows
23 that the smell that is there right now is hideous.
24 And anyone even from North Shore Sanitary District will

1 say that, yes, when the sludge is out there drying in the
2 sun each day that it's out there, it is a problem and it

3 is an issue.

4 We, as the city government of the City of
5 Zion, just to let you know, believe that this technology
6 regulated properly by your Agency and regulated properly
7 under the permit that has been applied for, we are wholly
8 in favor of. Thank you.

9 HEARING OFFICER MATOESIAN: Thank you.

10 The next speaker I have is Mr. John
11 Paxton.

12 MR. PAXTON: My name is John Paxton. Adeline
13 Geo-Karis asked me to read a letter, she couldn't be here
14 tonight. The letter is to the Honorable Renee Cipriano,
15 the Director of the Environmental Agency. "Dear Director
16 Cipriano: I regret that I am scheduled to be in Senate
17 Session when your meeting takes place on January 13, 2004,
18 in Zion relative to the Sludge Recycling Facility proposed
19 for Zion by the North Shore Sanitary District.

20 "I have investigated the plan proposed by
21 Brian Jensen, Executive Director of the North Shore
22 Sanitary District, and I think it is the best plan we
23 could ever have.

24 "This plan would eliminate landfills which

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1 pollute our grounds, and this plan will make glass
2 aggregate pieces out of sludge, which can be used for road
3 building, and construction.

4 "This plant has been tried very
5 successfully in Denmark, and other countries, and I
6 certainly recommend the use of it in Zion.

7 "The emission of mercury is negligible, and
8 I believe it is the safest plan we could have, not only
9 for the environment, but also for our people.

10 "I recommend the approval of the plan for
11 Zion by the Illinois Environmental Protection Agency.

12 "Thank you for your attention and
13 consideration."

14 I would also like to read a statement.

15 "While we at the North Shore Sanitary respect the right of
16 the citizens to express their opinions, we respectfully
17 disagree with most of the assertions made tonight. Our
18 permit speaks for itself."

19 HEARING OFFICER MATOESIAN: Thank you,
20 Mr. Paxton.

21 Is there anyone else who would like to?
22 Just first, the lady who hasn't spoken.

23 MS. BRADEN: Peggy Braden. I really wasn't
24 planning on speaking tonight. In fact, I really didn't

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1 want to come tonight because I'm from Waukegan; and it's
2 like I have sort of heard this stuff over again. But when
3 Mr. Walsh spoke, I just at that time I really felt I had
4 to make a comment.

5 And I can understand, you know, living in
6 Waukegan, I understand Zion, you know, wants and needs and
7 desires and begs for that industry. You know, Waukegan
8 needs to turn itself around, too. But you might want to
9 be just a little bit choosier about what the industry is
10 going to be.

11 And then also to the Illinois EPA, I think
 12 one of the reasons you are here and you are doing what you
 13 are doing is to prevent what I see and what I work with on
 14 a daily basis. I'm a school nurse in Waukegan. And I
 15 know that there are times when, you know, there is kids
 16 who have, you know, special needs, special ed., sometimes
 17 you cannot determine what the cause is. Other times when
 18 you know that they have had lead tests and those elevated
 19 lead, you know, blood levels have been high, and you can
 20 pretty much pinpoint this is why these kids are having the
 21 problems that they are having.

22 And you know, listening to what I have been
 23 hearing, and thinking about this glass aggregate that
 24 may -- we don't know where it's going to end up. Is it

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1 going to end up in the streets? And then down the road,
 2 you know, construction work needs to be done, and the
 3 jackhammers working, and that dust is up, you know, will
 4 there be lead dust? I don't think you guys can answer
 5 that question. I don't think even think you guys can
 6 answer a lot of the questions about the air modeling and
 7 everything. I don't even know if I understand that stuff.

8 All I know is that I don't want to have to
 9 take care of any more children who have special needs
 10 because of the environment that they were living in. And
 11 if we can prevent this from happening again, you know,
 12 that's what we need to do and not worry about the politics
 13 and the finances and everything else. We are doing this
 14 for our children's future. And yes, there are kids out

15 there who have been damaged by lead. Thank you.

16 HEARING OFFICER MATOESIAN: Thank you,

17 Ms. Braden.

18 Is there anyone who hasn't spoken yet who

19 would like to speak? Okay.

20 MR. WOLFE: Hi. My name is Raymond Wolfe. I'm

21 from Kenosha. And this thing alarms me. I get on the

22 Internet and do a lot of surfing. Now, mind you, the

23 internet is not causing all of this. But over in Europe

24 in my searches, they suspect that this thing is causing

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1 problems, medical problems, Lung diseases. You know,

2 everybody is worried about mercury and everything else;

3 but we don't know what this thing is going to do.

4 There are people over there apparently

5 dying from lung disease near places where they do this

6 process. And all I'm saying is you guys better do your

7 homework on this thing and check it out pretty good

8 because -- You know, like I say, they are not saying that

9 this is the cause of it; but they suspect it. And to me

10 that's enough to look into it. Thank you.

11 HEARING OFFICER MATOESIAN: Thank you,

12 Mr. Wolfe.

13 Anyone who hasn't spoken yet who would like

14 to?

15 MR. MATIJEVICH: I want to follow up to what

16 that gentleman said.

17 HEARING OFFICER MATOESIAN: I'm sorry. Could

18 you please approach --

19 MR. MATIJEVICH: I wanted to ask a follow-up
20 question to both what he said and what the letter from
21 Senator Geo-Karis alluded to. In that letter, she said
22 that it is used successfully in -- Is it Sweden?
23 MS. OWEN: Denmark.
24 MR. MATIJEVICH: Denmark. And the Sanitary

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1 District was very careful in its spin control in that
2 newsletter. It said, "elements" of the NSSD's new system
3 are used in Europe and are recognized as being
4 environmentally sound, "elements." My question to the EPA
5 is is there any facility in all of the world, all of the
6 world, Denmark, Sweden, anywhere, that will be the same as
7 this melter dryer system? My -- All of what I have heard
8 and read is there is none anywhere. Is that true?

9 MR. ROMAINE: We are not aware of any.

10 MR. MATIJEVICH: Oh. That answers my question.
11 And that -- And by the way, I might have
12 some standing here. I may have been one of the only ones
13 over 30 years ago that said they shouldn't build that
14 monstrosity on Lake Michigan, the nuclear plant.

15 I was right then, and I believe I'm right
16 now.

17 HEARING OFFICER MATOESIAN: Thank you,
18 Mr. Matijevich.

19 Oh, would you like to speak?

20 MR. LAST: My name is Paul Last. I live in
21 Beach Park, and I really haven't been following this too
22 much other than --

23 (Discussion outside the record.)
24 MR. LAST: And I hear population growth.

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1 Population growth creates what we are trying to process
2 here, so that requires more landfills if we are going to
3 go the landfill route. We have a power plant to the
4 north. We have a power plant to the south. The power
5 plant to the north emits 800 pounds of mercury a year, the
6 one to the south 400 pounds of mercury per year. If this
7 permit is true, it's going to be negligible from this
8 process. And in the process, we could have something of
9 benefit other than a smelly landfill. That's it.

10 HEARING OFFICER MATOESIAN: Thank you,
11 Mr. Last.

12 Is there anyone else who would like to
13 speak? If you would like, restate your name.

14 MR. HOWARD: My name is Jim Howard. A couple
15 things I thought of. On the air modeling, can anybody
16 tell me if the airport, all the truck traffic to Onynx
17 landfill out there and the Pleasant Prairie power plant,
18 what polluters or emissions are taken into consideration
19 when you issue this permit? What other facility? Like
20 the Calpine peaker plant, the Pleasant Prairie plant, and
21 their emissions? Because it seems like we are getting an
22 awful lot of concentration in a small area.

23 MR. ROMAINE: Modeling is done two ways to
24 address existing sources. One of the ways that existing

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1 sources are addressed are by using data from actual
2 ambient monitoring sites. So that's going out to a place
3 where we have selected to measure air quality. It's
4 usually a point that has fairly high air quality, and that
5 is generally a way to address most existing sources.

6 For this particular project, I saw that
7 information was taken for the loop for SO₂, Hoffman
8 Estates, for PM₁₀ and the site near O'Hare for NO_x. So we
9 went out and used fairly high levels of ambient background
10 data.

11 In terms of the additional sources that
12 were worked in, external emissions, I don't have a
13 complete list of the other sources that were included.
14 But they did include the Pleasant Prairie power plant, and
15 they actually included five for Zion Energy. So they also
16 did include specific emission inputs for major sources in
17 the immediate vicinity of the proposed facility.

18 MR. HOWARD: I have another question on this
19 glass aggregate. I worked construction a lot of years,
20 and we dig up everything. I mean glass. Down there in
21 Waukegan, into the trenchway right there by Manville's,
22 the old landfill. We dug up glass for weeks. And I know
23 when you take a partner saw to asphalt or concrete or a
24 pipe or lead, you get dust. They don't give you a mask.

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1 I mean no water. You either cut it or pick up your truck
2 and head down the road.

3 So when you pulverize this stuff with a
4 jackhammer or you break it up, you start digging it, you
5 start cutting it, you've got no control over what's in
6 that glass aggregate. And if it's heavy metals, whatever
7 it is, might go two feet and fall down; but the guy
8 working on it, he's breathing within that two feet.
9 That's all I have to say on that issue. Thank you.

10 HEARING OFFICER MATOESIAN: Thank you,
11 Mr. Howard. Yes, sir.

12 MR. CARLSON: Hi. My name is Steve Carlson.
13 I'm a member of the Lake County Board, and I'm probably
14 the least expert of anybody in this room on these topics.
15 And this is the first I have heard on all of this. But I
16 have a question and a comment.

17 I understand this is going to be drawing
18 water from the deep aquifer. How much water? If you
19 don't know, you should know.

20 MR. ROMAINE: We don't have that information
21 available. That's not something that's actually relevant
22 to the air permitting process.

23 MR. CARLSON: Well, okay, I want to make an
24 observation then because one of the concerns we have on

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1 the Planning, Building and Zoning Committee, which I'm a
2 member of the County Board, is the supply of water in this
3 county in the next 20 years. And we are going to run out
4 if we keep it up. So I would just make a general
5 observation and just say I'm astounded as a citizen that
6 you are considering issuing a permit for something that is

7 going to draw water from the deep water aquifer, number
8 one, and adding anything at all over Lake Michigan, which
9 is 20 percent of the water supply in this world.

10 And I suspect the public will share my
11 opinion.

12 HEARING OFFICER MATOESIAN: Thank you.

13 Anyone else? If you would like to,
14 Ms. Owen.

15 MS. OWEN: I thought the water question was very
16 good. Maybe we should take advantage of the fact that the
17 North Shore Sanitary District is still here. Would you
18 mind asking them how much of the deep aquifer water they
19 will be using for this facility?

20 HEARING OFFICER MATOESIAN: I'm sorry?

21 MS. OWEN: Would you please ask the North Shore
22 Sanitary District if they can answer that question?

23 HEARING OFFICER MATOESIAN: Would anyone from
24 the North Shore like to respond to that?

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1 MR. PAXTON: I don't have the number off the top
2 of my head. I will provide it to someone tomorrow.

3 MS. OWEN: No. Give me an estimate here. You
4 have an audience.

5 MR. PAXTON: I'm not --

6 MS. OWEN: Then I estimate it's about
7 190 million gallons a year. That is astonishing. It's
8 already an overmined aquifer. You have 165 million that
9 the Calpine peaker is using, and they are right next
10 store.

11 I just wondered, did you get a different
 12 copy from Senator Geo-Karis' letter than I have? My
 13 letter said "Sweden," Mr. Paxton read "Denmark." I mean
 14 it's one northern European country towards another, but
 15 just for the record.

16 HEARING OFFICER MATOESIAN: Okay.

17 MS. OWEN: Is it Sweden?

18 HEARING OFFICER MATOESIAN: It was marked
 19 Denmark.

20 MS. OWEN: Okay. Apparently edited. And I
 21 believe the Mayor misspoke. The sludge was not taken care
 22 of by Zion for the last 30 years. I forgot when they
 23 annexed the landfill, but it used to be in Newport
 24 Township, that's not Zion.

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1 I have one last question for the gentleman
 2 from the Bureau of Land. How much storage of this glass
 3 aggregate will you be allowing on site? Those two roll-
 4 off containers in Waukegan, which I thought was generous,
 5 are there any indications that the North Shore Sanitary
 6 District wants more storage, longer storage, bigger
 7 amounts?

8 MR. SCHOLLENBERGER: No.

9 MS. OWEN: Okay. The air permit, as I said
 10 actually, gentlemen, it's a lot better than the first one
 11 I saw. I really appreciate all the extra work that has
 12 gone into this permit. Unfortunately, some of the changes
 13 in the permit that you should be especially proud of
 14 happened after the final permit for Waukegan, so I guess

15 the people of waukegan are lucky that they didn't end up
16 there.

17 On page 2, let's spend a little time on the
18 melter process. It says right here the dry granulate
19 that's taken, and the estimate -- Are you okay? The
20 estimate is to be -- have 5 percent moisture. What
21 happens if the moisture content is higher? First of all,
22 I don't see it being measured anyway here. It might be an
23 oversight, or it might not be necessary, or it might be a
24 Bureau of water problem. But I would think that if the

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1 moisture content is higher, you would need extra fuel to
2 dry it. And how does this work? I don't -- Is that
3 needed? You can think about it.

4 MR. ROMAINE: Certainly a material with
5 5 percent is a very dry material and should have no
6 trouble burning. If it's twice that, at 10 percent, it
7 would still be combustible.

8 MS. OWEN: Okay. That was just a question
9 because I don't know.

10 Then it says further down, after the
11 exhaust passes through an initial filter and scrubber,
12 that would be controlling what contaminants, this initial
13 filter and scrubber?

14 MR. SCHNEPP: What was the unit again? What
15 emission?

16 MS. OWEN: On page 2, halfway down, it says, the
17 exhaust flow is -- No. Excuse me. Just a sentence above
18 there is the initial filter and scrubber. What kind are

19 located in the emission control, and which one that is,
20 and what it controlled?

21 MR. SCHNEPP: The fabric filter would control
22 particulates.

23 MS. OWEN: And the scrubber?

24 MR. SCHNEPP: The scrubber, SO₂.

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1 MS. OWEN: Okay. Then the next sentence says,
2 The exhaust flow is split with most of the flow
3 recirculating into the melter. Mr. Holleman brought up
4 the interesting question about the presence of oxygen.
5 How much of this exhaust flow is going to be recirculated
6 into the melter, and how will this affect the melting
7 process?

8 MR. SCHNEPP: I'm not sure. We will respond.

9 MS. OWEN: You can do the usual. You can send
10 me a response in the summary. Please, if at all possible,
11 would you quote my questions verbatim? I really don't
12 like me to be dumbed down in your Responsiveness Summary
13 questions. Thank you.

14 On the next page, it talks about -- Now,
15 never mind, this one. All right. Yes, page No. 3, back
16 down on the page. You are finally talking about
17 limitations for incinerators, which is new compared to the
18 waukegan permit, so hurray.

19 I do have a question about this. If this
20 is an incinerator, does 503 apply? And the regulations
21 have their own sludge monitoring frequency for biosolids
22 incineration, and will this be considered in this permit?

23 503 regulations were considered in the waukegan permit.
24 And my question is will they also be somewhere either in

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1 this permit or the land permit?

2 MR. SCHNEPP: We kept the 503 provisions in this
3 permit.

4 MS. OWEN: Okay. Now, would you think that the
5 monitoring frequency for biosolids incineration would be
6 an applicable part of 503 that should be in this permit?
7 And the monitoring frequency is done according at least
8 for arsenic, cadmium, chromium, lead, and biosolids
9 according to the amount or on a dry weight basis. I have
10 not been able to locate the amount in here, the amount on
11 a dry weight basis. So I don't know which part of 503
12 applies to this.

13 MR. SCHNEPP: I believe the applicable provision
14 is specified in the permit.

15 MS. OWEN: Uh-huh.

16 MR. SCHNEPP: Condition 1.7(d) specifies that
17 the --

18 MS. OWEN: Would you give me a page number just
19 for ease of locating that?

20 MR. SCHNEPP: It's page 8. It specifies that
21 the permittee shall comply with the applicable sludge
22 monitoring requirements at 40 CFR 503.46(a).

23 MS. OWEN: Right. But you know, the monitoring
24 frequency is not only for sludge. It's also for oxygen

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1 concentration in the stack exit gas, information
2 needed in the moisture content in the stacks, combustion
3 temperature -- and this permit says that we have that --
4 and air pollution control device conditions which are part
5 of the permit. But I'm not sure about the oxygen and the
6 information needed to moisture content, I have questions
7 about that.

8 All righty, page 4. This permit does not
9 address treatment of wastewater at the facility.
10 Okay.

11 MR. KELLER: Ma'am?

12 MS. OWEN: Yes.

13 MR. KELLER: Could I address the one on 503?

14 MS. OWEN: Yes.

15 MR. KELLER: That would be a requirement to the
16 District to submit that information, but right now USEPA
17 is the authority on 503. The Agency does not have
18 delegation for 503.

19 MS. OWEN: Does not.

20 MR. KELLER: And the annual reports required to
21 be submitted goes to USEPA, and they would have to comply
22 with that.

23 MS. OWEN: I see. Because the frequency
24 actually, if it's just once a year, is not high enough. I

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1 did my own calculations. I think they do either every
2 60 days or at least once a month. So -- But you are not
3 delegating on the 503?

4 MR. KELLER: We are not delegated under 503,
5 right.

6 MS. OWEN: All right. Thank you.

7 And it says, This permit is issued based on
8 negligible emissions of the VOM from handling of
9 wastewater. For this purpose, VOM emissions shall not
10 exceed 0.1 tons per month and 1.2 tons per year. That was
11 a huge controversy about the VOM emissions in the
12 wastewater in Waukegan. So what information did you base
13 these 1.2 tons per year on and how is this measured?

14 MR. ROMAINE: The estimate was based actually on
15 more detailed information for the very large water
16 Reclamation District of Chicago Stickney works where they
17 are handling millions of gallons of water per day and the
18 loss of emissions that are occurring from that process and
19 compared to the amount of material being processed or
20 generated -- I'm sorry -- generated by the North Shore
21 Sanitary District.

22 MS. OWEN: You know, that's interesting.
23 Because I talked to the MEQ about the Detroit one, and
24 they said there were concerns about the VOM in the

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1 effluent here. And I said, "I'm not sure that you, you
2 have the same concerns."

3 And he said, "We had big concerns about
4 that." And he said, "We felt the concerns were so huge
5 that we asked Minergy to come up with the dry process."

6 And I said, "They have a dry process?"

7 He said, "Yes. They have applied for the

8 same wet 190 million gallons a year process." But the
9 Department of Environmental Quality in Michigan decided
10 that wasn't good enough and asked Minergy to come up with
11 a dry process. So I don't care what they did in Stickney,
12 that's what they did in Michigan.

13 Does this facility have a CO or an oxygen
14 sensor?

15 MR. SCHNEPP: Not that I'm aware of.

16 MS. OWEN: Because the problem will be that
17 several of the conditions are based on having good
18 operating procedures. You can really only address those
19 if you have either CO or an oxygen sensor. How otherwise
20 would you define good combustion practices or good
21 operating parameters?

22 MR. ROMAINE: The permit includes provision to
23 operate a continuous carbon monoxide monitor.

24 MS. OWEN: Uh-huh.

□

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1 MR. ROMAINE: And it includes a requirement that
2 there would be data available to provide results in terms
3 of percent oxygen which also requires to be accompanied by
4 oxygen analyzer. The exception is that it provides that
5 if the North Shore decides instead to install a total
6 hydrocarbon monitor that could be substituted for those
7 monitors.

8 MS. OWEN: Yes. We will get there later.

9 On page 6, Emission Limitations, I don't
10 have any questions except it lists the criteria pollutants
11 and it leaves out lead especially. And do you have any

12 idea how much lead emission is emitted here?

13 You can tell me it's under the threshold if
14 you don't know the number. You can owe me the exact
15 number for the Responsiveness Summary. It's getting late.

16 MR. SCHNEPP: The lead emissions are expected on
17 a maximum tons per year basis to be .0394 tons per year.

18 MS. OWEN: Would you repeat that? I'm sorry.

19 MR. SCHNEPP: .0394 tons per year.

20 MS. OWEN: What is -- Page 7, the North Shore
21 Sanitary District really, really, really, really does not
22 want to get a Clean Air Act Permit Program permit. They
23 really don't like the idea of getting a Title V permit.
24 So they are desperately trying to stay under 100 tons.

□

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1 And I will read you why the North Shore Sanitary District
2 really dislikes the idea.

3 This is an e-mail to Brian Jensen from
4 Richard Osa. And it says, You have a few options, so
5 obviously, some time to make your selections. The options
6 are the permit, permit facility as a major source under
7 the Illinois CAAPP program -- that's C-A-A-P-P --
8 otherwise known as Title V. Disadvantages, the
9 application cost is higher. Detailed emission inventory
10 could bring to light previously unrecognized significant
11 sources, e.g., VOC emissions from water treatment
12 chemicals twice per year reporting and certification
13 requirements, greater likelihood of enforcement,
14 surveillance and public access to data.

15 Now, that's scary, public access to data.

16 So that is their thinking as to why they don't want a
17 Title V.
18 So my question to you is will this plant be considered one
19 source with the Waukegan wastewater treatment plant
20 because they will be connected by pipe?
21 MR. ROMAINE: No, it will not.
22 MS. OWEN: Why not?
23 MR. ROMAINE: The amount of distance between the
24 facilities and fact --

□

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1 MS. OWEN: There is a direct connection. There
2 is, there is going to be a force main that goes from this
3 plant to that plant directly.
4 MR. ROMAINE: That's correct.
5 MS. OWEN: Yes. There has been precedent about
6 connecting things that were distantly apart with the
7 pipeline that were considered under common control.
8 MR. ROMAINE: We are not aware of a precedent
9 that suggests that connecting facilities by sewer
10 pipelines to a municipal waste treatment facility for the
11 wastewater treatment is sufficient to make --
12 MS. OWEN: Okay. So there is no precedent, so
13 I'm not told anything about this plant. So I'm asking you
14 to think about it. And you just tell me, no, there is no
15 precedent, we are not interested.
16 MR. ROMAINE: We did consider that issue, and we
17 concluded they are appropriate treated as separate
18 sources.
19 MS. OWEN: How convenient for the North Shore

20 Sanitary District.

21 The emissions testing, how do you even test
22 emissions from something, whatever you fire varies from
23 day-to-day? It says, while operating at maximum
24 throughput and other representative operating

□

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1 conditions -- Now, in your minds you should have some
2 kind of idea what these representative operating
3 conditions are. And if you are telling me, oh, it's just
4 a temperature and moisture content, what about the content
5 of the sludge? How do we define what representative
6 conditions are when it comes to sewer sludge and
7 contaminants in it?

8 MR. ROMAIN: The issue of the composition of
9 the sewage sludge is being addressed separately from the
10 testing requirements. There are separate requirements for
11 testing of the composition of the sludge. If there were
12 significant changes of the composition of the sludge as
13 related to metals, then there would be the ability to
14 require for testing.

15 MS. OWEN: I understand that. Right. But
16 that's -- The sludge composition is kind of over here.
17 Now my question to you is what are the representative
18 operating conditions. If you look at the listing and you
19 look at exceedances that are published in the paper, and
20 there seems to be a great variance about the sludge
21 content, what are the standard conditions?

22 I had a chance to actually look at the
23 trial burns for a hazardous waste incinerator downstate.

24 They actually have standard conditions. They know what's

□

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1 in the stuff they are burning, and they will test what
2 comes out. I think that's exactly what testing should be
3 about. But you guys don't know what's in the sludge.
4 other than very general, once-a-year analysis, you don't
5 know what's in this particular daily load that will be
6 used for this -- for emissions testing. And then you will
7 base the permit and the emission limits for the next
8 20 years on this one-day sludge sample they burned for
9 testing?

10 MR. ROMAIN: I need to check the provisions in
11 the permit. It certainly would be the expectation that
12 the sludge that is being burned for the test burn sample
13 and analyzed for the composition of the material that's
14 associated with the test results is known. Unlike a waste
15 incinerator, this facility does not stockpile sludge. It
16 does not have the ability to take different types of
17 sludge out of inventory and prepare specific test charges
18 for the purposes of conducting test programs.

19 MS. OWEN: Well, how can they guarantee that the
20 sludge they get today is going to be the same sludge they
21 are getting tomorrow?

22 MR. ROMAIN: The answer to that is that's why
23 there are provisions for sampling and analyzing sludge.

24 MS. OWEN: How often?

□

80

1 MR. ROMAIN: In accordance -- You mentioned
2 the provisions for the USEPA's 503 rules.

3 MS. OWEN: So it could be once a year?

4 MR. ROMAIN: Yes, it could.

5 MS. OWEN: Okay. I guess that's an improvement
6 from the last time, it was once every five years. Still
7 that is really not an answer. You cannot base emission
8 limits on a one-time stack test of unknown sludge that
9 could be totally different tomorrow. I think that's
10 irresponsible.

11 MR. ROMAIN: I think it's also correct the
12 sludge does not vary as significantly as some people have
13 suggested. Sewage sludge is formed by materials in
14 wastewater.

15 MS. OWEN: Interesting.

16 MR. ROMAIN: The vast majority of things are
17 consistent. Now, this material is not produced
18 instantaneously. It is the result of a digestion process
19 so that the sludge that is being produced is the result of
20 a number of days of material. The composition is more
21 stable than the wastewater that's going to the treatment
22 plant.

23 MS. OWEN: So would you elaborate when you say
24 it's very stable, what percentage of variance one way or

□

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1 another would you expect? which one would you be
2 comfortable with, which one would you be concerned about?

3 MR. ROMAIN: I don't have quantitative data for

4 that.

5 MS. OWEN: You don't have what?

6 MR. CRAIG: So what are you saying?

7 MS. OWEN: What did you say? I didn't hear the
8 answer.

9 MR. ROMAINE: Oh, I don't know. I don't have
10 quantitative data for that.

11 MS. OWEN: Not yet, never, or not with you?

12 MR. ROMAINE: The data from our perspective, the
13 data for this facility will be developed as the facility
14 from the three sites is delivered to the facility for
15 processing. This is a future facility.

16 MR. CRAIG: So it's a guess.

17 MS. OWEN: I thought the construction permit was
18 supposed to lay down the ground rules on how this will be
19 done, and you are telling me you are going to wait until
20 it's built?

21 MR. ROMAINE: No. I said that the composition
22 of the sludge and the variability of the sludge is
23 something that we cannot know for sure at this point in
24 time.

□

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1 MS. OWEN: Of course, you can. Ask him to
2 supply you with a sample, Two or three, twenty.

3 MR. ROMAINE: One sample a day is not
4 necessarily what it's going to be a year from now.

5 MS. OWEN: That's exactly what I said. What's
6 here today is not what it is going to be a year from now.
7 So how can you base this thing on a one-time emission

8 test? That's exactly my point. Thank you.

9 MR. ROMAIN: And we have not based it on one-
10 time emission test.

11 MS. OWEN: But you are going to.

12 MR. ROMAIN: This is a construction permit that
13 establishes the initial testing requirements for the
14 facility for mercury, for which there is a concern about,
15 how they knew activated carbon because it would operate
16 this with a requirement that there be four tests for
17 mercury as part of the startup of the facility.

18 MS. OWEN: That's great. Four. I'm not even
19 concerned about mercury right now. I'm concerned about
20 other stuff that's in the sludge and varies. And the
21 exceedances that Ms. Zingle was talking about was actually
22 exceeded by 48 percent of some sulfur. That's a huge
23 span. You will have to address this question.

24 MS. ZINGLE: Or you have to catch it in the

□

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1 emissions with --

2 MS. OWEN: Or have them install continuous
3 emission monitors on it. That will make everybody feel
4 better because they are fairly unbiased, and they will
5 monitor what's coming out. Then we don't have to guess.
6 I don't like guessing.

7 Mercury. Testing, water -- I'm sorry.
8 What about the new testing method for mercury at USEPA?
9 Is -- I'm not sure what stage it's at. I'm not sure if
10 it's 50, 51.

11 MR. KELLER: I'm aware of it.

12 MS. OWEN: Okay. Does that apply here
 13 somewhere? Because of the lower, the detection event to
 14 actually nanograms instead of just --
 15 MR. KELLER: I would have to review that test
 16 method again in the federal regs.
 17 MS. OWEN: I don't think it's found in there.
 18 MR. KELLER: Okay.
 19 MS. OWEN: This alternate monitoring
 20 requirement, does it involve the EPA approve alternate
 21 methods? That's on page 9. 8, I'm sorry.
 22 MR. ROMAINE: I don't believe it does.
 23 MS. OWEN: Okay. Should it?
 24 MR. ROMAINE: I don't believe it should.

□

84

1 MS. OWEN: Okay. We didn't discuss it. I would
 2 feel a lot better in the monitoring requirements if they
 3 would actually have to log what they monitor.
 4 Otherwise -- And they did that.
 5 Do they have to monitor good combustion
 6 practices? Because lots of the things are actually based
 7 on them having good combustion practices. A, I really
 8 don't know what the term is, it's never been defined; but
 9 I would think that you can probably come up with something
 10 that you could consider good combustion practices. And I
 11 would like this to be somewhere monitored.
 12 MR. ROMAINE: The intent of the draft permit is
 13 if they are doing continuous emission monitoring for
 14 carbon monoxide or total hydrocarbons that monitoring
 15 actual combustion practices is not required.

16 MS. OWEN: Do they have a measuring device for
 17 the temperature of the -- I'm sorry -- of the melter?
 18 MR. SCHNEPP: I'm not aware of a temperature
 19 measuring device.
 20 MS. OWEN: why would they be exempt from 60.150
 21 to have one?
 22 MR. SCHNEPP: I'm not familiar with the
 23 citation. I don't know that.
 24 MS. OWEN: It's subpart O.

□

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1 MR. SCHNEPP: If it's in subpart O, it's a
 2 requirement, then it will be a requirement in this permit.
 3 MS. OWEN: Okay. If you read it, too.
 4 On the next page, the operating combustion
 5 temperature for the melter, so apparently they have to do
 6 this somewhere.
 7 They have to keep track of the amount of
 8 fuel combusted where? where is the measuring device for
 9 the amount of -- Now, I'm trying to figure out what all
 10 is gas fired in this facility. And I'm not quite sure I'm
 11 getting it all. So when you say they have to measure the
 12 amount of fuel, I would like to know where the meter is.
 13 I want as far downstream as possible so we are catching
 14 all the things they are running, not just the auxiliary
 15 heater.
 16 MR. SCHNEPP: The auxiliary heater is fired by
 17 natural gas.
 18 MS. OWEN: I know. what else? See, I have the
 19 same problem, I don't know either.

20 MR. SCHNEPP: There is no other units that are
21 fired by natural gas.

22 MS. OWEN: That's not true. Well, right off the
23 top of my head, I know the emergency generator is. My
24 question is what else.

□

86

1 They tried really hard to be below 100 tons
2 of NOx, and you guys should really not try and enable them
3 to get away with it. Okay?

4 Oh, I have a question, page 13. It says,
5 "The Illinois EPA shall be notified prior to these tests
6 to enable the Illinois EPA to observe these tests." My
7 understanding is that you really don't come and observe
8 all the tests that are done by facilities, which I'm
9 officially requesting that you come if this gets built.
10 Can somebody be there and watch what they are doing?
11 I will let you know that I want that, too.

12 "The permittee," excuse me, page 14, "The
13 permittee shall submit semi-annual compliance reports that
14 include: Amount of wet sludge processed." Okay. "A
15 summary of deviation --" We'll get there. "Emissions on
16 a monthly basis." Okay. What emissions?

17 MR. SCHNEPP: Emissions from the plant.

18 MS. OWEN: Okay. Which ones?

19 MR. SCHNEPP: Emissions that are regulated by
20 the permit.

21 MS. OWEN: Which are?

22 MR. SCHNEPP: Found in condition 1.1.6, VOM,
23 particulates, NOx, CO, SO2, mercury.

24 MS. OWEN: And these emissions are measured how?

□

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1 MR. SCHNEPP: Calculations.

2 MS. OWEN: See, that's exactly the point. This
3 permit is a bookkeeping permit. It doesn't measure
4 anything. It estimates a lot of things. It is unknown
5 what actually happens out there, and I don't think this is
6 a good idea. I also want to know, okay, the natural gas-
7 fired emergency generator is exempt from permit
8 requirements. Okay. It might be. I'm not sure why. But
9 I can look it up.

10 However, don't the emissions have to be
11 accounted for?

12 MR. SCHNEPP: Yes.

13 MS. OWEN: Are they in this permit?

14 MR. SCHNEPP: Yes.

15 MS. OWEN: Where?

16 MR. SCHNEPP: Condition 3b.

17 MS. OWEN: 2b?

18 MR. SCHNEPP: 3b on page 15 near the bottom.

19 MS. OWEN: 3b. Sorry, I don't have condition
20 3b.

21 MR. SCHNEPP: Do you have page 15?

22 MS. OWEN: Don't know. Yes.

23 MR. SCHNEPP: Near the bottom.

24 MS. OWEN: For this purpose, shall not operate

□

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1 more than 500 hours and emit more than 0.3 tons per year
2 of NOx -- A year. How do you know -- A, do they have to
3 record the hours they operate; and how do you know how
4 much NOx they are emitting?

5 MR. SCHNEPP: The amount of NOx that they emit
6 for this condition was based off of 500 hours per year of
7 operation.

8 MS. OWEN: Are there any guarantees, emission
9 factors? What?

10 MR. SCHNEPP: Based off of emission factors.

11 MS. OWEN: All right. And last thing. No. 4,
12 "Operation of the sludge processing facility is allowed
13 under this construction permit for a period of 365 days
14 during which period shakedown of equipment and emission
15 testing shall be performed."

16 I have heard a lot about those. It's
17 usually 180 days. Why is this 365 days?

18 MR. ROMAINE: Because this facility will have to
19 obtain an operating permit to continue operation. So this
20 essentially allows them 180 days to perform their emission
21 testing, and then there is 180 days to process the
22 application for the operating permit.

23 MS. OWEN: Well, that's normal language. I
24 understand that. That's why I was surprised that this

□

1 permit gives them 365 days for shakedown and emission
2 testing instead of 180.

3 MR. ROMAINE: Well, it would be 180 plus 180.
4 The 180 days that is normally allowed for testing does not

5 provide sufficient time for processing an operating permit
6 application after testing is conducted, so we have allowed
7 another 180 days after the performance of testing for the
8 operating permit application to be processed.

9 MS. OWEN: So they have 180 days for shakedown,
10 and 180 days for applying for an operating permit?

11 MR. ROMAIN: Right.

12 MS. OWEN: I really wouldn't have it worded like
13 this.

14 MR. ROMAIN: Uh-huh.

15 MS. OWEN: Thanks. In the Responsiveness
16 Summary, Question 172, If this facility is approved and
17 later it's found that the approval was a big mistake, if
18 it's determined that it is not doing what they said it was
19 going to do, what will the Illinois EPA -- what is the
20 Illinois EPA going to do about it?

21 I will read the answer in a minute, but
22 let's be perfectly clear here, whatever the EPA will have
23 to do, we will have to pay for. This is not a private
24 entity. This facility and the Minergy thing is financed

□

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1 by our tax dollars. I think your responsibility is to be
2 especially thorough in investigating and answering all the
3 questions we have raised is beyond what usually is. Don't
4 rubber stamp this. Please keep in mind that your
5 decisions affect our pocketbooks.

6 And the answer you gave was, If the
7 facility doesn't meet the applicable standards and the
8 requirements established for the facility, the Illinois

9 EPA will then enforce the applicable standards and take
10 appropriate action. This action would vary from trying to
11 get immediate correction from the alleged violator, which
12 we would have to pay for, to asking the attorney general
13 to bring a lawsuit against the party, which we will have
14 to pay for twice; one for the attorney general, and one
15 for the North Shore Sanitary District to defend that. So
16 please think about this.

17 HEARING OFFICER MATOESIAN: Thank you. Is there
18 anyone else who would like to ask a question or make a
19 comment?

20 MR. SPENCER: Good evening. It's getting late
21 here. My name is Wayne Spencer. I live in Pleasant
22 Prairie, Wisconsin, just over the border and a half a mile
23 from the sewage plant, or should I say sewage retention
24 area. Roughly for the last 25 years from like March till

□

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1 the beginning of November, two days a week, I do not go
2 outside. Which days they are are the days the wind comes
3 from the southwest because the air is that rank. Okay.
4 That's number one.

5 The lady brought up a point about how many
6 million of gallons they are going to use coming out of
7 this aquifer. When you get it up there, where are you
8 going to put it? Where is it going after it's been used?
9 Okay? You can sort that out for a while.

10 MR. ROMAINE: The wastewater goes into the
11 sewer. It goes to the Waukegan treatment plant, and then
12 goes into the -- Is it Skokie River?

13 MR. SPENCER: So you are processing the same
14 water twice?
15 MR. ROMAINE: No.
16 MS. OWEN: Yes.
17 MR. SPENCER: It was used in the processing of
18 the sewage treatment, and now you are dumping it into a
19 sewer system that goes back to a sewage treatment
20 facility, which goes back to where it was.
21 MS. ZINGLE: Yes. Yes, although it's not in
22 your summary.
23 MR. ROMAINE: The water is coming from the
24 aquifer as part of the processing of the sewage sludge to

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1 operate the condensers and the scrubbers, so that is
2 processed water. The processed water is then treated in a
3 wastewater treatment plant, the Waukegan treatment plant,
4 before being discharged to a public -- a body of water.
5 It's an inland waterway, and I'm not sure which is the
6 inland waterway.
7 MS. OWEN: Des Plaines River.
8 MR. ROMAINE: Des Plaines at this point?
9 AUDIENCE VOICES: No, no, no.
10 HEARING OFFICER MATOESIAN: One at a time.
11 MR. CRAIG: It seems you should know.
12 MR. ROMAINE: All I know is that the pipeline
13 from Waukegan goes seven miles inland and discharges in an
14 inland river. If that's the Des Plaines at that point,
15 it's the Des Plaines. If it's the Skokie River, it's the
16 Skokie. It's a head water to the Chicago River.

17 MR. SPENCER: I'm inclined to agree it's the
18 Des Plaines River. Because what I understand we get
19 village -- We get water from Kenosha. We are originally
20 on a well. And the states of Michigan, Illinois, and
21 Wisconsin, plus the province of Ontario, all had to agree
22 to the fact that we went onto Kenosha water because of the
23 fact that everything that comes out of Michigan is
24 supposed to come back into Lake Michigan by federal EPA

□

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1 regs. And the fact that we were taking out of
2 Lake Michigan, our sewage treatment plant is out of
3 Des Plaines River. So all these states, plus the province
4 of Ontario, had to give us a waiver for the 105 homes that
5 we have up there, just again, northeast of where this
6 sewage retention area is.

7 All right. I will go to a completely
8 different issue. You talk about all these scrubbers and
9 filters and things like this for cleaning the air coming
10 out of this facility, correct? That they are -- All
11 these safeguards to clean the air. Who changes the
12 filter? What do you do when the filter is saturated?
13 Think of it like your furnace filter.

14 MR. SCHNEPP: It's either cleaned or replaced.

15 MR. SPENCER: Okay. So that maybe the plant has
16 to shut down to do this? It's supposed to be running
17 24/7. How long does it take for this thing to come down
18 to where the people can work on it? How long does it take
19 to bring it back up again? I know when they clean the
20 chimney up there at the Wisconsin power plant, it takes

21 them like a month to clean that chimney. There is no
22 exiting gases coming out of that chimney.

23 MR. ROMAIN: Right. Depending on the nature of
24 the maintenance that's required, the facility could be out

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1 of service for a couple of days during the course of a
2 year.

3 MR. SPENCER: A couple of days? From 2,000
4 degrees, it's going to come down in a couple of days?

5 MR. ROMAIN: Yes. You are right, there has to
6 be a period of time to cool it slowly. And it will have
7 to be warmed up again, but combustion devices of this
8 type, like the boilers at Pleasant Prairie, are
9 periodically taken offline to perform routine maintenance
10 and repairs.

11 MR. SPENCER: Okay. So they are not going to
12 try and run it without filters in and try to skate by it
13 for one day?

14 MR. ROMAIN: No.

15 MR. SPENCER: How do you know this? You have
16 got the fox watching the hen house.

17 MR. ROMAIN: That is an egregious criminal
18 violation to operate --

19 MR. SPENCER: So was Enron.

20 MR. ROMAIN: And known violations are pursued
21 appropriately with appropriate response.

22 MR. SPENCER: It took them a couple years to
23 catch the guys at Enron. How long is it -- The lady
24 brought it up earlier, there was two years that the

1 waukegan paper talked about the hydrogen sulfide was being
2 emanated over in Gurnee. It took them two years to get
3 that problem cleaned up. Hydrogen sulfide is rotten eggs,
4 that's the smell.

5 MR. ROMAIN: It's a lot easier to clean up a
6 situation when the cause is somebody operating when the
7 control device is not --

8 MR. SPENCER: But they know it's coming from it,
9 why don't they just shut it down to find out what's wrong
10 with it? They kept spitting it out, spitting it out, and
11 spitting it out for two years.

12 MR. ROMAIN: That's an issue with regard to the
13 Gurnee wastewater treatment plant. And if people wish to
14 flush their toilets and drain their sinks, you do not turn
15 off a wastewater treatment plant.

16 On the other hand, you can stockpile sludge
17 for a few days while a sludge processing facility isn't
18 operating.

19 MR. SPENCER: So, in other words, was there any
20 type of levies against North Shore Sanitary District for
21 creating this situation for a period of two years?

22 MR. ROMAIN: I'm not familiar with the
23 circumstances of the Gurnee treatment plant.

24 MR. SPENCER: I just don't -- Things keep

1 jumping out at me. Okay. That was basically just the
2 nuts and bolts of it. Thank you.

3 MS. OWEN: Can you ask the Bureau of Water to
4 answer that question since he's here?

5 MR. KELLER: I'm not in the compliance section,
6 I'm sorry.

7 MS. OWEN: Okay.

8 MS. ZINGLE: Can I add one more comment?

9 MR. KELLER: We can address that in the summary.

10 MR. SPENCER: You are going to have a problem
11 when we get heavy rains, what people's homes in Northbrook
12 get in their basements.

13 MR. KELLER: We understand. We understand.

14 MR. SPENCER: Okay. Yeah.

15 HEARING OFFICER MATOESIAN: Thank you,
16 Mr. Spencer.

17 MS. ZINGLE: Can I have one more comment?

18 HEARING OFFICER MATOESIAN: Yes.

19 MS. ZINGLE: Hi, Susan Zingle again. Thank you.
20 Thank you for letting me go a second time. Obviously,
21 monitoring and compliance and enforcement is a concern
22 that's rippling through the community here. North Shore
23 Sanitary District just recently is bragging that it
24 installed generators at its Lake Forest and Lake Bluff

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1 facilities to handle the wastewater treatment plants
2 there.

3 Their history has been when ComEd had a
4 power failure, which is a whole other issue, they just

5 simply dump the raw sewage in Lake Michigan. And I am
6 surprised that that is still permitted. I haven't heard
7 anything about fines being levied or requirements that
8 they install the generators. I think they finally did so
9 out of public pressure they have been getting over this
10 issue. But you have got two years of rotten egg smell in
11 Gurnee.

12 The article which I will send to you goes
13 on to document how many complaints they were getting. It
14 got to a point just recording the complaints themselves
15 was a reporting problem for them. They dumped raw sewage
16 into the lake. That line that you mentioned that goes
17 westward and dumps the water itself is leaking. It's
18 leaking effluent, not raw sewage; but it shows
19 wastefulness and sloppy handling on their part. And you
20 are going to let the plant run without CEMs and trust
21 emission factors. And you did your potential to emit from
22 information they gave you, not outside confirmation for
23 Minergy? I don't think so, Chris. These guys need to be
24 sat on. And we do as much as we can with public outcry,

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1 but after a while even we get worn out.

2 So I would ask that all the different
3 issues we raised that, if you can't confirm them from some
4 independent outside source, you make them monitor it in a
5 way that isn't dependent on internal calculations. Thank
6 you.

7 HEARING OFFICER MATOESIAN: Thank you, ma'am.

8 Is there anyone else who would like to make

11304epazion.txt
9 comments? No? All right. Then I will adjourn this
10 hearing.
11 Once again, on behalf of Renee Cipriano,
12 Director of the Illinois Environmental Protection Agency,
13 the Bureau of Air, and myself, I thank you all for coming.
14 Good night.
15 * * *
16 (which were all the proceedings had
17 in the above-entitled cause.)
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99

1 STATE OF ILLINOIS)
2 COUNTY OF DU PAGE) ss.
3

4 I, JANICE H. HEINEMANN, CSR, RDR, CRR, do
5 hereby certify that I am a court reporter doing business
6 in the State of Illinois, that I reported in shorthand the
7 testimony given at the hearing of said cause, and that the
8 foregoing is a true and correct transcript of my shorthand
9 notes so taken as aforesaid.

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